10534. Also, petition of patrons of star route no. 76315, California, favoring legislation that will indefinitely extend all existing star-route contracts and increase compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10535. Also, petition of patrons of star route no. 76283, Aukum to Plymouth, Calif., favoring legislation that will indefinitely extend all existing star-route contracts and increase compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10536. Also, petition of patrons of star route no. 76291, Sacramento to Jackson, Calif., favoring legislation that will indefinitely extend all existing star-route contracts and increase compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10537. By Mr. FITZPATRICK: Petition of the Yonkers Lodge, no. 287, Loyal Order of Moose, favoring the passage of House bill 8540, providing for a national lottery; to the Committee on the Judiciary.

10538. By Mr. PATMAN: Resolution adopted by a large number of trade associations and small business enterprises in a mass meeting assembled on February 29, 1936, in the city of Chicago, favoring the Robinson-Patman bill, known as Senate bill 3154 and House bill 8442; to the Committee on the Judiciary.

10539. By Mr. PFEIFER: Petition of the Colonial Works, Inc., Brooklyn, N. Y., concerning House bill 10634, which adds a new section to 77–C of the bankruptcy law; to the Committee on Banking and Currency.

10540. Also, petition of the Brooklyn Chamber of Commerce, Brooklyn, N. Y., favoring enactment of House bill 11323, authorizing the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the founding of the first white settlement on Long Island; to the Committee on Coinage, Weights, and Measures.

10541. By Mr. REED of Illinois: Petition signed by Lawrence W. Zerna and three other employees of J. D. Brown & Co., of Joliet, Ill., requesting passage of Robinson-Patman antidiscrimination bill; to the Committee on the Judiciary.

10542. Also, petition signed by Oliver J. Beidelman and 33 other members of Du Page County Retail Druggists' Association, requesting passage of Senate bill 3822 and House bill 8442; to the Committee on the Judiciary.

10543. By Mr. SHANLEY: Petition adopted by officers of San Salvador Council, No. 1, Knights of Columbus, New Haven, Conn., concerning the Mexican situation; to the Committee on Foreign Affairs.

10544. By the SPEAKER: Petition of the American Legion, Department of the District of Columbia; to the Committee on the Judiciary.

10545. Also, petition of numerous citizens of the District of Columbia and nearby Virginia and Maryland; to the Committee on the District of Columbia.

SENATE

TUESDAY, MARCH 17, 1936

(Legislative day of Monday, Feb. 24, 1936)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 16, 1936, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Overton
Austin	Copeland	King	Pittman
Bachman	Costigan	La Follette	Pope
Bailey	Couzens	Lewis	Radcliffe
Barkley	Davis	Logan	Reynolds
Benson	Donahey	Lonergan	Robinson
Bilbo	Duffy	Long	Russell
Black	Fletcher	McAdoo	Schwellenbach
Bone	Frazier	McGill	Sheppard
Borah	George	McKellar	Shipstead
Brown	Gerry	McNary	Smith
Bulkley	Gibson	Maloney	Steiwer
Bulow	Glass	Metcalf	Thomas, Utah
Burke	Guffey	Minton	Townsend
Byrd	Hale	Moore	Vandenberg
Byrnes	Harrison	Murphy	Van Nuys
Capper	Hatch	Murray	Wagner
Caraway	Hayden	Neely	Walsh
Carey	Holt	Norbeck	Wheeler
Clark	Johnson	Norris	White

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD] is absent because of illness, and that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Massachusetts [Mr. COOLIDGE], my colleague the junior Senator from Illinois [Mr. DIETERICH], the junior Senator from Oklahoma [Mr. GORE], the Senator from Nevada [Mr. MCCARRAN], the Senator from Wyoming [Mr. O'MAHONEY], the senior Senator from Oklahoma [Mr. THOMAS], the Senator from Florida [Mr. TRAMMELL], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from New Jersey [Mr. BARBOUR] and the Senator from Iowa [Mr. DICKINSON] are necessarily absent.

Mr. TOWNSEND. I announce that my colleague, the junior Senator from Delaware [Mr. HASTINGS], is necessarily absent.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

INSPECTION AND ALLEGED SEIZURE OF TELEGRAMS, ETC.

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Communications Commission, transmitting, pursuant to Senate Resolution 245 (submitted by Mr. BORAH and agreed to on Mar. 9, 1936), a report relative to inspection or seizure of telegrams or other private communications, which, with the accompanying report, was ordered to lie on the table and to be printed.

REPORT OF NATIONAL HISTORICAL PUBLICATIONS COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Archivist, transmitting, pursuant to law, a report submitted by the National Historical Publications Commission pertaining to the making of "plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense", which, with the accompanying papers, was referred to the Committee on the Library.

PETITIONS AND MEMORIALS

Mr. WALSH presented a letter in the nature of a petition from the Gloucester (Mass.) Business and Professional Women's Club, praying for the enactment of the bill (H. R. 5051) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes, which was referred to the Committee on Civil Service.

He also presented the petition of Sergeant William E. Walters Camp, No. 58, United Spanish War Veterans, of Framingham, Mass., praying for the enactment of House bill 9472, the so-called Philippine travel pay bill, which was referred to the Committee on Claims.

He also presented the petition of Local Union No. 3284, United Textile Workers of America, of Webster, Mass., praying for the enactment of the so-called Ellenbogen bill, relating to the textile industry, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a petition from the board of directors of the Lowell (Mass.) Chamber of Commerce, praying for the enactment of the so-called Copeland bill, providing for the repeal of section 184D of the

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Revenue Act of 1934, pertaining to the publication of income-tax returns, which was referred to the Committee on Finance.

He also presented a letter in the nature of a memorial from the Greater Lawrence (Mass.) Liberty Associates, remonstrating against the imposition of additional taxes upon beers and liquors, which was referred to the Committee on Finance.

He also presented a letter in the nature of a memorial from the Springfield (Mass.) Chamber of Commerce, remonstrating against the enactment of the bill (S. 3744) to amend the act creating the Federal Trade Commission, to define its powers and duties, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also presented a letter in the nature of a memorial from the board of directors of the Gardner (Mass.) Chamber of Commerce, remonstrating against Government ownership of railroads or further regulatory railroad measures, such as the full-crew bill, and so forth, which was referred to the Committee on Interstate Commerce.

He also presented letters in the nature of petitions from the legislative committee of the Massachusetts Home Economics Association, the Committee on Government and Its Operation of the Medford League of Women Voters, the Young Woman's Club, and the Woman's Christian Temperance Union of Winthrop, all in the State of Massachusetts, praying for the enactment of legislation to regulate block booking and blind selling of motion pictures, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the Division of Conservation of Natural Resources and Gardens of the Massachusetts Federation of Women's Clubs, favoring the enactment of legislation making Mount Olympus a national park, which was referred to the Committee on Public Lands and Surveys.

He also presented petitions of sundry citizens, being retail grocers, and the New Bedford Retail Grocers' and Provision Dealers' Association, all in the State of Massachusetts, praying for the enactment of Senate bill 3154, to prevent price discriminations, which were ordered to lie on the table.

He also presented a letter in the nature of a memorial from the board of directors of the Gardner (Mass.) Chamber of Commerce, remonstrating against the enactment of Senate bill 3154, to prevent price discriminations, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. KING, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8577) to amend the Teachers' Salary Act of the District of Columbia, approved June 4, 1924, as amended, in relation to raising the trade or vocational schools to the level of junior high schools, and for other purposes, reported it without amendment and submitted a report (No. 1699) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 3976. A bill to amend the act approved February 27, 1931, known as the District of Columbia Traffic Act (Rept. No. 1701);

S. 3977. A bill to authorize the Washington Gas Light Co. to alter its corporate structure, and for other purposes (Rept. No. 1695); and

S. 4165. A bill amending section 1 (h) of the District of Columbia Unemployment Act (Rept. No. 1700).

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 3799. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo. (Rept. No. 1696); and

S. 3971. A bill to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y. (Rept. No. 1697).

Mr. SHEPPARD also, from the Committee on Commerce, to which was referred the bill (S. 3945) to extend the times for commencing and completing the construction of certain free highway bridges across the Red River, from Moorhead, Minn., to Fargo, N. Dak., reported it with amendments and submitted a report (No. 1703) thereon.

Mr. BULKLEY, from the Committee on Banking and Currency, to which was referred the bill (S. 4212) to amend title I of the National Housing Act, and for other purposes, reported it with amendments and submitted a report (No. 1698) thereon.

Mr. ADAMS, from the Committee on Banking and Currency, to which was referred the bill (S. 3486) to repeal the act entitled "An act relating to Philippine currency reserves on deposit in the United States", reported it without amendment and submitted a report (No. 1702) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CAREY:

A bill (S. 4293) for the relief of George W. Middleton; to the Committee on Military Affairs.

By Mr. LOGAN:

A bill (S. 4294) to amend the Alaska coal leasing law; to the Committee on Mines and Mining.

By Mr. CAPPER and Mr. COPELAND (by request):

A bill (S. 4295) to amend the act entitled "An act creating the Mount Rushmore National Memorial Commission and defining its powers and purposes", approved February 25, 1929, and for other purposes; to the Committee on the Library.

By Mr. SHEPPARD:

A bill (S. 4296) to amend section 11 of the act of March 1, 1919 (40 Stat. 1270); to the Committee on Printing.

By Mr. McADOO (by request):

A bill (S. 4297) to amend section 80 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. HATCH:

A bill (S. 4298) to authorize an appropriation to pay non-Indian claimants whose claims have been extinguished under the act of June 7, 1924, but who have been found entitled to awards under said act as supplemented by the act of May 31, 1933; to the Committee on Indian Affairs.

(Mr. BARKLEY (for Mr. BLACK) introduced Senate Joint Resolution 234, which was ordered to lie on the table, and appears later under a separate heading.)

AMENDMENT TO AGRICULTURAL APPROPRIATION BILL

Mr. NORBECK submitted an amendment intended to be proposed by him to House bill 11418, the Agricultural Department appropriation bill, which was ordered to lie on the table and to be printed, as follows:

On page 48, to strike out lines 4 to 8, inclusive, and insert in lieu thereof the following:

"For cooperative planting and care of the shelterbelt on a 50–50 basis with landowners, who will make the land available free of charge and enter into an agreement with the Government for planting, care, and maintenance over a period of 5 years under conditions by which not more than 50 percent of the expense is borne by the Government, $1,000,000: *Provided*, That the shelterbelt shall consist of planting of trees and shrubs in strips not exceeding 165 feet wide and from one-half mile to a mile apart of length to be determined by the Government, oriented so as to protect fields and buildings from wind and located within a zone approximately 100 miles in width between the ninety-seventh and one hundred and first degrees of longitude west of Greenwich and extending from the Canadian boundary to the thirty-second degree of latitude: *Provided further*, There may first be a deduction of 5 percent from this fund to be used exclusively for the necessary expense in connection with production of trees and shrubs, including the purchase of land for nursery sites for the production of trees for shelterbelt purpose, and for distribution of nursery stock at cost to actual farmers living within the shelterbelt area, who may desire to undertake tree planting at their own expense."

ST. PATRICK'S DAY

Mr. DAVIS. Mr. President, March 17 has most unusual distinction, for on that day St. Patrick is honored throughout all America although he died 1,443 years ago in Ireland. Only one other person of foreign birth is so honored in this country and that is Columbus, who discovered the New

World. The fact is that people generally in this country observe St. Patrick's Day with almost as much zest as they do the birthdays of our great national heroes.

This is more amazing when one recalls that St. Patrick was not a native of Ireland, but rather was a Britisher, stolen away as a slave to Ireland, escaping to secure an education, and then returning to the Emerald Isle as a missionary. While tradition has it that he was responsible for driving the snakes out of Ireland, and although many think of him in terms of the shamrock and the "wearing o' the green", the substantial reasons for preserving his memory have not been given sufficient attention.

Fourteen hundred and forty-three years ago, on the 17th day of March, St. Patrick died in Ireland after having devoted 61 years of his life to the holy work of implanting in the hearts of the Irish people the faith which, at all costs, they have kept to the present time.

Mr. President, St. Patrick's Day recalls the great achievements of men of Irish faith and trained in Irish learning during three centuries after Patrick's death—that golden age of Ireland, when not only the students of Europe flocked to her schools, were admitted to them without distinction, and educated gratuitously, but her scholars carried the light of knowledge to all parts of the then known world. The labors of Irish monks and missionaries in Scotland, England, Gaul, Italy, Switzerland, and Germany; the illustrious names that Ireland contributed to the civilization of those countries; Ireland's early contribution to the arts and sciences and to the principles of wise representative and just government are all set down in the pages of history never to be forgotten.

In order to have a proper appreciation of St. Patrick and the golden age which he introduced one should have some slight acquaintance with history. It should be remembered that he did his work in the fifth century, at a time when the light of Roman civilization was rapidly fading into its twilight glow. Then followed 500 years of the Dark Ages, when civilization lapsed into barbarism. During this time it was the beacon light of Irish culture, lighted by St. Patrick, which afforded the illumination by which Europe returned to the paths of civilization and culture. Hence it is true that not only Ireland but all the world has become indebted to this noble saint.

Mr. President, having been born in Wales, where Celtic blood and traditions are supreme, I have some understanding of the fascination which Ireland holds for Irish people everywhere. The map of Ireland represents the roots and bedrock of the Celtic race, regardless of class, boundary lines, or religious tradition. I have yet to meet any person coming from this place who has not been proud if he appeared to have the map of Ireland imprinted on his face.

St. Patrick was the most successful missionary of the fifth century. His resting place at Downpatrick is still a shrine of pilgrimage. His would have been a saint's life in any age or in any country. Since the days of St. Paul no greater missionary ever lived. The primal motive power of his life was his desire to preach the gospel.

I like to join in celebration of St. Patrick's Day because he belongs to all Christians, both Protestant and Catholic. He did his work in a day when Protestants and Catholics as we know them did not exist. His was undying loyalty to his Lord. It does us good today to lay aside the formalities of sectarian difference to join in praise of the patron saint of Ireland who belongs to men and women of all lands.

I have long observed that the true spirit of the Irish people is devotion to religion, irrespective of denomination or sect. We should not forget that Ireland has furnished the world with heroic examples of Protestant as well as Catholic leadership. The struggle for freedom in Ireland was basically due to an economic rather than a religious issue. Proof of this is found in the championship of Ireland's cause by the great Gladstone, who characterized the Act of Union of 1800 "the blackest and foulest transaction in the history of man." Witness also that bravest and most picturesque of Ireland's heroes, Robert Emmet, a stalwart Protestant. In 1803 Emmet led a desperate revolt which failed, and he died on the scaffold with such supreme courage that his name has ever been dearest to his race. The Young Ireland movement was led by brilliant men, John Mitchel, Thomas Davis, and Smith O'Brien, all of whom were Protestants. Hence it is that Ireland's cause has transcended the narrow boundaries of sectarianism.

Mr. President, if I interpret the genius of the Irish people aright, I would say that they have joined a consuming passion for the Christian religion with a flaming love for liberty. This has produced in them a spirit of toleration as a result of long generations of struggle for the ideals they hold dear. Having suffered in the cause of liberty, they have come to understand the virtues of patience and sympathy which extend the rights of religious liberty to others. The same spirit of religious toleration is one of the cornerstones of our American liberty. It is interesting to observe that apart from the birthday of the Christ, observed at Christmas, St. Patrick is the only outstanding character in the field of religion whose glory is extolled equally by men of all faiths in this country.

St. Patrick's life was one sublime with love. He was summoned to begin his missionary work in Ireland in a heavenly dream. In his dream he heard voices calling to him, saying: "We entreat thee, holy youth, that you come here and walk among us." He responded to the call, saying: "God rules me. Therefore I go to Ireland to preach the gospel."

It was the gospel of love which St. Patrick carried with him on his journeys. He was under commission of the Master who had said: "A new commandment I give unto you, that ye love one another." No man could be, can be his disciple, his follower, and fail in the realization of this fundamental teaching. "By this shall all men know that ye are My disciples, if ye love one another." And going back again to his ministry we find that this precept breathes through all his teaching. Its very essence is summed up in the principle we call the golden rule. "Whatsoever ye would that men should do to you, do ye even so to them." As I view it, the golden rule is the supreme law of life. It may be paraphrased in the words of Ralph Waldo Trine: "As you do unto others, others will do unto you. What I give, I get. If I love you, really and truly and actively love you, you are as sure to love me in return as the earth is sure to be warmed by the rays of the midsummer sun. If I hate you, ill-treat you and abuse you, I am equally certain to arouse the same kind of antagonism toward me."

Mr. President, unless we love people we cannot understand them. The great need of the world today is love and understanding. In a world confronted with war, in a land where we have poverty amidst plenty, in a day when youth are graduating into a society where no useful employment is being offered them, in a machine age where automobile accidents take a toll of 36,000 people every year in this country, we need more of love and human understanding. We have acquired a knowledge of machines. Now we must acquire a knowledge of ourselves. We must come to a deeper appreciation of the human beings about us. The great problems of today are human problems, and we must solve them in a human way.

St. Patrick pointed the way for us when he went into Ireland when its natives were wild and barbarous and within his lifetime planted the seeds of love and understanding which produced the great people who are honored all over the world today. Let us, like St. Patrick, resolve to preach and to practice the gospel of love.

BOONDOGGLING AND BUDGET BALANCING IN RELATION TO PROSPERITY—ADDRESS BY SENATOR ROBINSON

Mr. GUFFEY. Mr. President, I ask unanimous consent to have printed in the RECORD a very interesting and timely address delivered by the senior Senator from Arkansas [Mr. ROBINSON], majority leader of the Senate, over the national network of the Columbia Broadcasting System, on March 12, 1936. The subject of the address is Boondoggling and Budget Balancing in Relation to Prosperity.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Records which cannot be questioned disclose the existence of higher business levels during the early part of 1936 when compared with the same period for 1935.

The February department-store report of the Federal Reserve Board showed sales during February of this year 13 percent above those in February 1935.

Steam-railway freight revenues for the year 1935 exceeded those in 1934 by more than $155,000,000. Passenger revenues increased approximately $12,000,000. Railway employment was augmented more than 6 percent for February 1936, compared with the same month in 1935.

Labor Department statistics disclose a 33-percent decline in employment from April 1930 to April 1933 and a decrease in pay rolls during the same period of 53 percent. Industrial employment is shown to have risen 31 percent between April 1933 and December 1935 and the industrial pay rolls have increased 61 percent during the same time.

Do you know why agriculture and industry are making such rapid strides back to prosperous conditions under the wise policies of the Roosevelt administration? There is no occasion to repeat once again the dreary economic picture which prevailed when this administration came into power. It has been done elsewhere and done well and the people are acquainted with the facts.

During the Hoover administration approximately 900,000 farms were sold either for delinquent taxes or under mortgage foreclosure. Do you realize what that means? The American farmers, among the hardest-working men in the world, were being turned from their homes in the midst of plenty like exiles because a Republican administration was unable to manage properly our economic policies.

The Roosevelt administration broke the curve of deflation and started the spiral upward. How was this done? Simply by building up for the farmers a decent income. It substituted industrial activity for industrial stagnation. Our present enviable position in world economics is a direct result of Roosevelt policies. Don't let anyone tell you otherwise.

Every business page in every newspaper daily proclaims by its headlines that our people are again on the road to prosperity and the emergency is receding farther and farther into history. Our political foes cannot dispute the facts, but, driven by political necessity, they seek to belittle the administration that made success a fact and not a dream. So they are sniping at every policy, every step that leads toward the goal of restoration.

They have no economic plan; not even an economic theory. By elaborating on petty details they hope to build up a case which the American people will mistake for a program but thus far they have been notably unsuccessful. They moan about Government expenditures and speak of waste and squandering, failing to tell the public that legislators of their own political complexion voted for the very appropriations which they criticize. They likewise fail to tell the people why that spending program was necessary. I shall do so tonight.

The carping spokesmen to fail to agree, and in most cases they merely plead for a chance to administer the very policies which the New Deal has placed in effect.

The only thing offered by the Republican Party is a return to the Pollyanna theory of economic reform. You good people are very well acquainted with the Pollyanna theory because it cost you dearly under the last Republican administration. You recall how the President in the White House was declaring that "prosperity was just around the corner" while a few of the vast army of unemployed stood on the street corners, shivering and cold, trying vainly to sell apples and pencils to the passersby. It was a "noble experiment" in economics but unfortunately it had a disastrous effect upon the unhappy occupants of American homes. It just wouldn't work.

In their efforts to ridicule and defame the Roosevelt program, the Republican spokesmen are now directing a heavy fire against certain work-relief projects which they call "boondoggling" and which they hold up as horrible examples of the waste of the taxpayers' money.

In a recent speech in the Senate I took up in detail the specific projects ridiculed by the Republican National Committee and by the miscalled Liberty League, and showed that in most instances they were the best projects that could be devised, considering the fact that the projects must be accessible to the workers and also of such nature as to absorb the untrained in great numbers, as well as the skilled, who are comparatively small in number. I showed by the record that they were health projects which will prevent untold misery for large numbers of people in the future. It was also shown that in every instance the Works Progress Administration had secured the advice and approval of local authorities before undertaking such projects, whether those local officials were Republicans or Democrats or members of any political party. The record discloses that the administration here in Washington has tried to keep politics out of the great humane and charitable work of caring for the unemployed.

But our Republican foes still continue to belabor the administration. They complain that we fail to answer their constant grumbling and complaints.

Tonight I shall answer one of our severest critics, because he has demanded an answer, and because he says we are afraid to meet him with the facts. It is my purpose now to take up some of the statements made by Mr. Herbert Hoover, the titular head and spokesman for the Republican Party, who is carrying on a continuous campaign to break the faith of the people in Roosevelt policies, and apparently to secure for himself the Presidential nomination.

In his speech at Colorado Springs on last Saturday night, Mr. Hoover accused Democratic spokesmen of answering him with personal remarks, but with making "no answer to facts or verses or chapters given in proof."

Let us examine some of the statements which Mr. Hoover has passed out for facts. In his Lincoln Day speech on February 12, the former President quoted a New York newspaper to the effect that the Rural Resettlement Administration was employing 12,089 Federal officials to provide relief for 5,012 persons, adding that it was costing Uncle Sam $350 in overhead for every $60 of relief. He neglected to state that the same newspaper, long before he made that Lincoln Day speech, published an admission that the story was in error and that the figures were grossly incorrect.

This newspaper ran the full text of Mr. Hoover's Lincoln Day speech, and once again, for the sake of accuracy, the newspaper pointed out that the figures were in error. But Mr. Hoover, to my knowledge at least, has never made correction.

Several months ago a member of President Roosevelt's Cabinet made an honest mistake by saying that three bills, later held unconstitutional by the Supreme Court, had been passed during Mr. Hoover's administration. The latter promptly announced that the bills had actually been enacted under Mr. Coolidge, and he demanded a public correction, which was given him. I wonder now if Mr. Hoover will be fair enough to apologize publicly to the Roosevelt administration for this gross misstatement which he has sent broadcast regarding the cost of relief?

On every opportunity he can get, Mr. Hoover takes occasion to question the financial policies of the Federal Government and to raise disturbing doubts in the minds of people who have a little money invested in worth-while American stocks and bonds. He keeps preaching that inflation is on its way and that its consequences will ruin investors. Instead of promoting confidence, he seeks to destroy it.

A month or more ago he appeared as a witness in court to repeat once again his inflationary threat, and he cited the increase in stock-market values to justify his position. He made no reference to the all-important fact that at the same time the bond market was rising at a rate only slightly below that of the stock market. In other words, the whole picture showed public confidence in the upward swing of business and industry, while Mr. Hoover only gave part of the picture to suit his own ends. Is that conscientious or justified criticism? What he is saying now is exactly in line with the tactics he used in 1932, when he predicted that the election of the Democrats would still further paralyze trade and commerce, and that as a result of their policies, grass soon would be growing in the streets of every city.

Perhaps the most remarkable claim made by Mr. Hoover is that the downward spiral of the depression was stopped in June–July of 1932 and that the subsequent upward movement was stopped only because the people lacked confidence in Mr. Roosevelt. That statement was so contrary to the facts that the administration made no answer, but now it is being repeated in solemn and grave manner by Republican spokesmen and partisans in all parts of the country.

To refute that statement, I shall now call Mr. Herbert Hoover himself as a witness. He says the depression was turned in June and July of 1932. He accepted renomination by the Republican Party on August 11 of that same year, and in his acceptance speech he admitted that millions of his fellow countrymen were out of work, that the farmers were selling their products at prices below a living standard, and that millions of other people were "haunted by fears for the future." Then he added, and I quote:

"With united effort we can and will turn the tide toward the restoration of business, employment, and agriculture. It will call for the utmost devotion and wisdom. Every reserve of American courage and vision must be called upon to sustain us and to plan wisely for the future."

Now we have the true situation. Mr. Hoover claims now that he turned the depression in June of 1932, whereas in August of that same year he was accepting renomination with the pious hope that he might be able to turn the tide if given another chance.

Let us follow Mr. Hoover a bit further. Back in 1931, when the depression was digging in and taking a terrific toll in human suffering, I sponsored, along with my colleagues, a bill to provide a moderate sum of money to feed hungry drought victims in Arkansas and other States. Mr. Hoover fought that measure with all the power at his command, and he accused those of us who sponsored the bill with "playing politics with human misery." Yet in his recent speech at Colorado Springs, to which I just referred, Mr. Hoover said the following, and again I quote:

"If the use of all the powers of the Government to relieve our people from hunger and cold in calamity is radical, then you should be radical."

How can you reconcile those two conflicting statements? How can you answer a man who constantly shifts his position on every important issue?

Pass on now to perhaps what is the most amazing of all the astonishing statements made by the former Republican President in his frenzied efforts to halt the onward movement of President Roosevelt's popularity. Like the man who wanted to sweep back the tide with a broom, the unhappy Mr. Hoover is grasping at anything in the hope that it may serve his purpose. In another of his great oratorical efforts, this one delivered at St. Louis, on December 17 last, he said:

"After the election of the New Deal we began a retreat. Only in the United States was there an interruption. We were the strongest and should have led the van. And we lagged behind for 2 years.

"The other countries of the world went forward without interruption. They adopted no New Deal."

I ask the American people to pass judgment on that statement by Mr. Hoover. It seems incredible that any man who reads the daily newspapers could make such a statement. Of course, as good Americans, it is not our part to adopt a pharisaical attitude and to think ourselves better than other nations because we are fortunate enough to avoid most of the troubles which pursue them constantly.

One wonders how many people in this country agree with Mr. Hoover that the other nations of the world have gone forward economically while we lagged behind? Is that true of Europe? Is it true of the Orient? Why the newspapers for the past several weeks have been headlining the threatening events taking place across the Pacific and across the Atlantic. We have been assured that the far eastern powder keg is close to another explosion, that nations are glaring at one another and virtually defying one another to armed conflict. We heard of the war in Africa and of the mobilization of millions of armed men. We are informed by those who should know that the real cause is the severe economic crisis threatening the nations involved. We read of armies marching once again, of military airplanes droning overhead, of tanks rumbling through city streets, while statesmen meet and do their best to avert what threatens to be an awful calamity. And back of it all is the well-known fact that the main contributing factor is the distressed financial and economic position of those nations involved. We know how the nations of Europe have suffered economically during the past several years, and with the notable exception of Great Britain, we realize how hard they are finding the struggle to come back.

And yet in the face of such undeniable facts Mr. Hoover goes on the radio and solemnly assures the American people that the other nations are moving forward toward prosperity while we lag behind. It reminds us of the theory advanced by Republican spokesmen everywhere back in 1929 that the real cause of the depression came from abroad. Now we know that actually the depression in foreign lands was only a contributing factor, if any, and that the real cause of the collapse in this country was unbridled speculation and exploitation and the failure of the Republican Party to revive the buying power of agriculture.

Contrary to what Mr. Hoover says, the rest of the world, unfortunately, has suffered extreme reverses in the drive to bring back economic prosperity, while on the other hand, we have forged steadily forward under the New Deal policies. There has never been a time in recent years when the United States has occupied a finer or better position in world affairs, and it is due wholly to the course pursued under the leadership of our great President.

He has removed the rancor and distrust with which the nations of Latin America formerly looked upon our policies, and he has taken great strides forward in cementing the bonds which bind the peoples of North, South, and Central America. At the same time he has kept us away from anything even remotely suggesting participation in the quarrels of Europe and the Far East by pursuing a policy which was at once wise and strong.

In attacking what they call New Deal spending policies, I have pointed out that our Republican critics are careful to confine themselves to generalities without explaining the enormous good which New Deal policies have accomplished in promoting recovery both for the farmers and for industry in general. It is safe to say that without the courageous policies advanced by Mr. Roosevelt, an untold number of retailers, merchants, department-store owners, and businessmen engaged in the heavy construction industry would have passed into bankruptcy long since.

In his recent speech at Baltimore Senator TYDINGS put his finger with unerring accuracy upon the fundamental distinction between the policies pursued by the three previous Republican administrations and those pursued by the administration now in power. We all know that if you want to run a business, you must have a market for your product. That market must be either in this country or abroad, and in some cases it may be both. The Roosevelt administration has been striving with might and main to build up a constant and permanent market for American goods in this country while the Republicans were always casting their eyes on Europe and other foreign lands. Let me quote from Senator TYDINGS, who said:

"During the period from 1921 to 1929 approximately 14½ billions of dollars in gold were loaned by the people of this country to foreign governments with the stamp of approval of the United States Department of State upon most of the loans.

"During the same period of time America sold more goods abroad than ever before in its peacetime history.

"We made these large sales of goods to foreigners because we were lending them the money with which to buy our goods; lending it to foreigners who already owed us more than they could pay under existing tariff barriers created by us."

In line with the foregoing, I wish to point out that billions of dollars included in those foreign loans were lost by default. It may be objected that the Roosevelt administration is using Government loans while those loans abroad were privately promoted and privately floated. My contention is that it was money earned and owned by hard-working American citizens and that the loss was terrific.

These foreign-loan defaults were one of the major causes of the depression. They resulted in innumerable bank failures and gave birth to economic troubles which this administration is still endeavoring to overcome. You will note that these foreign loans built up a false prosperity and that to replace that market a new market had to be created. Under the prudent direction of Secretary of State Hull, this administration is now making substantial progress in clearing away the international trade and tariff restrictions which strangled world trade, to which strangulation this country had led the way by enacting the Smoot-Hawley tariff. Mr. Hull is succeeding in opening up new markets while at the same time avoiding consequent harm to industry and agriculture in this country.

Along with this restoration of foreign commerce the administration has made marvelous strides forward in building up new markets in America, in neglected areas, which should have received aid from the Federal Government years before. The best customer for American manufactured goods is the American farmer and the Roosevelt administration has acted on that theory.

Why are the smokestacks of Pennsylvania, Ohio, Michigan, and New England belching forth black smoke once again? Because the Roosevelt administration put money in the pockets of farmers in Kansas and Nebraska and other parts of the agricultural regions of this country. By the same token the policy of relief spending has accomplished the twofold purpose of providing absolutely essential assistance to millions of unemployed needy while at the same time it has primed the pump and helped start the wells of business once again. This relief money has not been tossed away in Europe or any other foreign land. Almost every dollar has been expended here in America, and by common agreement of the economists, it has been the most useful money imaginable.

We all know that relief dollars are spent quickly because the recipients have no cash reserves and they must spend it for necessities about as fast as it is received. The relief money in this way has been a tremendous help to the small business man and the retailers who depend upon a cash income for their livelihood.

As I said in the Senate the other day, the Roosevelt administration has no wish to claim that its administration of this relief money is perfect, but we do insist that it has been administered as honestly and efficiently as it is humanly possible to administer such a job. If there has been chiseling locally, it has not been countenanced by Federal officials here, but on the other hand every effort has been made to stamp out such practices. Some projects may have been undertaken unwisely, but on the whole the amount of permanent benefit which the $4,880,000,000 relief fund will confer upon this country is enormous. The cause of public health has been given a decided impetus and at the same time public buildings, highways, and bridges and other useful works are being constructed in all parts of the country.

I have tried to tell you in this broad outline why it was absolutely necessary for President Roosevelt to put in force the policies which he did, not alone to relieve the needy, but, at the same time, to rescue business men and individuals in every State of the Union who were threatened with dire disaster unless some method was found to get our agriculture and industry working once again.

The Roosevelt administration used the only method which was at hand and I'd like to remind you that it was endorsed in the beginning by virtually every outstanding Republican in this country. But now that they see the policy is working, they refuse to take responsibility for their own actions. They like to sit back and cry, very unfairly, that the Roosevelt administration is hurting business and piling up a huge and unnecessary tax burden. I have shown you how the administration has helped business by its spending policies, and now let's consider the tax burden. I'm going to quote briefly from a well-known economist, who said:

"Politicians may not like to deal with taxes in an election year, but every sensible citizen knows that sooner or later the enormous bills for the depression must be paid."

The writer has pointed out quite accurately that the the cause of new taxes is the Hoover depression, and not the efforts of the Roosevelt administration to undo the causes of the depression. The use of Federal credit was necessary to save American business and States and cities from bankruptcy because of the unwise financial policies pursued by the last three Republican administrations.

As a matter of fact, many honest Republican leaders are willing to admit, and have admitted, that the policy of spending to provide relief will probably have to be carried on for some time to come.

The fact is that at present the Federal Government is in excellent financial condition in relation to normal receipts and normal expenditures. Because of better times, both in industry and agriculture, revenue has increased at a very encouraging rate and there is every indication that the increase in income will keep pace with the continued pick-up in industry. The tide of recovery, about which Mr. Hoover spoke so wistfully in 1932, is now flowing in the proper direction, and it is flowing in the right direction because of Roosevelt policies.

In facing the fact that relief expenditures for the unemployed may be necessary for a period to come, we should recognize the fact that such expenditures in the normal course of affairs would be made by States, cities, townships, and local charities. Does anyone wish to throw that burden back upon the cities and States at this time? Does anyone think they are financially able to bear the burden after the long strain through which they have passed? The adoption of such a course, abruptly taken, might prove a blow of deadly seriousness to the financial condition of State and local governmental units. The Federal Government, under the pressure

of events, must continue to bear the burden until the other units are strong enough to take up and carry the load.

The use to which the Roosevelt administration has put the Federal credit is the most honorable use to which it could be put. In an era of deflation, at a time when homes, savings, and jobs were crashing away in the downward spiral of depression, Uncle Sam stepped in to save the day. We balanced the budget of the farmer; we balanced the budget of the businessman; we restored profits to industry; we balanced the budget of the small shopkeepers; we provided wages for industry; we aided the unemployed; and we kept cities and States from going into receivership with a consequent loss to millions of investors. Such a record calls for praise rather than blame and I hardly think our Republican foes will win public support in attacking that record.

Among those going about the country and complaining about the unbalanced state of the Federal Budget is Mr. Hoover. He apparently forgets that under his own administration the Budget was badly out of balance, with this essential difference: Under Mr. Hoover's administration the Budget was out of balance because people had suffered an appalling loss of income and hence could not pay taxes. Under this administration the Budget is out of balance because the Federal Government has undertaken a great constructive program which has restored industry and agriculture and put money into the pockets of the American people.

President Roosevelt has done a splendid job of putting this country once again on the road to economic stability and he has accomplished it without impairing the Federal credit in the least. He is now engaged in the great task of paring down expenditures in exact relation as private business takes up the burden, and he is doing that efficiently and decisively. The Federal Budget will be balanced as soon as practicable. It will be done by President Roosevelt and not by Mr. Hoover or those other Republican critics who talk about economy but do nothing to bring it about. The Republican membership in Congress, and by that I mean the old guard Members who intend to dictate the party nominee, have offered nothing constructive to solve the Nation's troubles and apparently they have nothing to offer.

Mr. Hoover is certainly a fit symbol and spokesman for the present-day grand old party. He offers nothing new; he still looks toward Europe while forgetting the great home markets which this administration is developing. He is using, as I have shown, inaccurate figures to support the picture of terror which he likes to paint to an anxious public.

I have one final word to say on the Federal credit. We have heard much in recent years about the need for the banks to resume the old practice of making "character loans." We know that the banks always regarded a man's character as the most essential thing in considering his ability to pay back what he has borrowed.

Let me say that the outstanding financiers of this country and the whole world have looked with critical and appraising eye at the financial policies pursued by President Roosevelt's administration. The bond markets and the investment markets show that these experts have faith rather than fear in the present state of Federal credit. In other words, the credit of the Federal Government is good, because the financiers and the people have faith in the character of its Chief Executive, Mr. Roosevelt.

OUR TERRITORIES AND INSULAR POSSESSIONS—ADDRESS BY SENATOR GIBSON

Mr. AUSTIN. Mr. President, on March 10 my colleague, the junior Senator from Vermont [Mr. GIBSON], delivered an informative and interesting address on the subject, Our Territories and Insular Possessions. I ask unanimous consent to have the address printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

Nearly everybody knows about continental United States, but comparatively few people are as familiar with our Territories and insular possessions which have areas equal to one-fourth that of the mainland, a population of more than 16,000,000, and commerce running into the hundreds of million dollars annually.

My purpose this evening is twofold: First, to speak briefly of our Territories and possessions; and, second, to suggest a better medium for handling the administration of their affairs that must, of necessity, pass through the central Government at Washington.

The outlying islands and Territories should command our keen interest because most of the people inhabiting them are citizens of this Republic and have problems peculiar to themselves as well as in common with the people of the Nation as a whole.

We have possessions in the Atlantic; namely, Puerto Rico, the Virgin Islands, and the Canal Zone.

We have Territories and insular possessions in and bordering the Pacific, which include American Samoa, Guam, several small islands, the Philippines, the Territory of Hawaii, and the Territory of Alaska.

A distinction exists between Territories and insular possessions. Territories are incorporated into the national fabric, have organized governments with legislatures, and governors appointed by the President. They are practically self-ruling as to their internal affairs. This is also true of Puerto Rico, an organized but not an incorporated Territory.

Now, let us look first at some of our far-away islands. Guam, which came to us under the Treaty of Paris in 1898, is the largest of the Mariana group. It is about 30 miles in length and 4½ to 8 miles in width. The natives are Chamorros of the Malay race. The people are well Americanized. Their self-established congress sets forth their loyalty in the following resolution:

"*Be it resolved*, That we renew our pledge of allegiance to the United States of America, to its institutions, to its ideals of justice and democracy, and that we affirm our happiness to be a part of that great Nation, over which waves the Stars and Stripes."

I have never witnessed a more inspiring sight than that of hundreds of the school children of Guam saluting the American flag with great enthusiasm in the plaza at Agana, the capital.

We govern American Samoa, located far down in the Pacific. This dependency, which is under the direction of the Navy Department, consists of several small islands and has an advisory legislative body called the Fono, in which the native chiefs take part.

Our flag still waves over the Philippines, and will continue to do so until 1945, at least.

There are 7,000 islands in the group, 1,000 of which are capable of sustaining human life. The population is about 14,000,000. The islands extend a thousand miles north and south off the coast of Asia; the most northerly is a hundred miles from Japan (Formosa), the most southerly a short distance from British Borneo and the Dutch East Indies. Their situation places them between great powers contending for the trade of the Orient, and across the lanes of commerce that supply the needs of more than half the people of the world.

The country is rich in natural resources. It has valuable deposits of gold, silver, copper, lead, zinc, chromium, coal, and salt. Oil has recently been discovered. Already as much gold has been produced in 1 year as Alaska produced in 1935. One deposit of iron runs to 52 percent, with 500,000,000 tons of ore in sight. Here also exist the most extensive deposits of war materials in the world in the form of chromium.

The story of the growth of our trade with the Philippines is a remarkable one. In 1900 our share of import and export trade was 11 percent; in 1933, 78 percent. In 1901 we supplied 12 percent of the Philippine imports; in 1932, 64 percent.

As a market for American goods the Philippines have occupied the following ranks in recent years: Eighth for metals and manufactures, excepting machinery and vehicles; sixth for chemicals and related products (exceeded only by Canada, the United Kingdom, France, Germany, and Japan); second for wheat flour, canned fish, and cotton fabrics by the pound; first for cotton cloth, colored, bleached, and unbleached; and first for galvanized iron, steel sheets, and ready-made paints.

We promised the Filipinos independence, and in redeeming that promise we have recently established a commonwealth government with a 10-year adjustment period to give them an opportunity to demonstrate that they can govern themselves. I anticipate, however, that within that period they may ask a modification of the independence act so that they can remain an integral part of this Nation.

I do not wish to trespass in Delegate KING'S field in regard to Hawaii, or Delegate DIMOND'S in regard to Alaska, or Commissioner IGLESIAS as to Puerto Rico. They are here and will speak for their respective Territories.

Alaska, our first outlying territorial venture, was purchased from Russia in 1867 for $7,200,000. Organized as a Territory, it enjoys many of the advantages of statehood, electing its own officials, except the Governor, who is appointed by the President.

It was 30 years before we again increased our domain beyond the seas, when we brought Hawaii under the flag.

Like Alaska, the Territory of Hawaii has its own government, elects all officials with the exception of the Governor and secretary, who are appointed by the President.

On the Atlantic side we have the Canal Zone, a strip of land extending 5 miles on each side of the Panama Canal from the Atlantic to the Pacific. It must be recognized that our paramount duty not only to our country but to all the world naturally places the administration of the zone under the War Department. It should rest there.

The Virgin Islands were purchased during the World War from Denmark as a protection to the Panama Canal. They consist of several islands, the largest of which are St. Croix and St. Thomas. They are especially attractive to the travelers of the world. The people are well educated, only 16 percent being illiterate. Certain disagreements recently arose concerning the government and it was necessary to conduct sweeping investigations, with the result that in this congressional session the fundamental law is being rewritten, granting a greater degree of self-government and extending the right of suffrage.

Puerto Rico, of marvelous scenic beauty, came to us as a result of the Spanish-American War, and is rich in agricultural products. Recent outbreaks indicate that the Congress must give special attention to the situation thereby created and extend to the people a greater measure of self-government. We should see to it that the people suffer no injustice at the hands of the United States.

Now, to turn to the bill which I have introduced in the Senate. This bill recognizes the need of combining the administration of the civil government of all our Territories and possessions which must have the attention of the Government at Washington. The fact is we have been too little interested in our outlying lands, and in our responsibility to their people. For nearly 25 years the Territories and island possessions have sought greater recognition and a more unified administration in Washington. The governmental supervision of our domain is divided and subdivided among bureaus, divisions, and offices.

The War Department, in its Bureau of Insular Affairs, controls such civil duties as are still exercised over the Philippine Islands, and another office handles the affairs pertaining to the Canal Zone. The Navy Department has charge of the affairs of the islands of American Samoa, Guam, Wake, Palmyra, the Midway group, Jarvis, Howland, Christmas, and Baker—all islands of the Pacific. The remainder of our Territories and possessions are under control of a division of the Interior Department. This group consists of Hawaii, Alaska, Puerto Rico, and the Virgin Islands. The work of supervising the civil needs and development of a territory of nearly 600,000 square miles, with a population of over 2,000,000 that falls to the Interior Department is performed by an office force of 21 and a small field force. I have nothing but praise for the executive efficiency of this personnel.

Thus the work of governing our Territories and insular possessions is divided between four offices—a situation which the bill I have introduced corrects by placing all under one head, adding unity and prestige and bringing about a coordinated policy which is now lacking.

The civil personnel of these offices which assists in governing our Territories and insular possessions would be transferred to the new department. Provision is made for the attachment of Army and Navy officers now employed in carrying on the various civil governments, and other officers as needed. All records would be transferred to the central office. In the transaction of business concerning any particular possession or territory there would be no question as to which office to contact, as is now the case.

This bill would not restrict the statehood ambition of any Territory or possession. In fact, the department would be in a position of greater prestige and better fitted to assist in statehood aspirations. It would surely place our possessions on a more self-respecting basis.

Such a department would have inestimable value in the training of employees, selected from the various Territories and island possessions, to carry on its work and become appointees to the outlying parts of the United States from which they come. It would change the custom of political appointments to a practice ground for career men.

I believe as the people come to know more of the ideas behind the creation of this department that they will give it hearty endorsement.

Former President Coolidge once said, "Men do not make laws; they do but discover them." The proposal is presented at this time so that the situation may be studied, and the right way to handle the governmental affairs of our outlands may be discovered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 37. An act authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.;

S. 1307. An act to establish the Homestead National Monument of America in Gage County, Nebr.;

S. 1453. An act to create a board of shorthand reporting, and for other purposes;

S. 1470. An act to provide a preliminary examination of Spokane River and its tributaries in the State of Idaho, with a view to the control of their floods;

S. 3281. An act to amend the act of February 16, 1929, entitled "An act to amend the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service', approved June 10, 1922, as amended";

S. 3453. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel; and

S. J. Res. 165. Joint resolution directing the Architect of the Capitol to accept a copy of the painting Liev Eiriksson Discovers America.

The message also announced that the House had passed the bill (S. 2603) to authorize the Attorney General to determine and pay certain claims against the Government for damage to person or property in sum not exceeding $500 in any one case, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 2625. An act to extend the facilities of the Public Health Service to seamen on Government vessels not in the Military or Naval Establishments;

S. 2664. An act to aid in defraying the expenses of the Third Triennial Meeting of the Associated Country Women of the World, to be held in this country in June 1936; and

S. 3071. An act providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. LUDLOW, Mr. BOYLAN, Mr. GRANFIELD, Mr. O'NEAL, Mr. TABER, and Mr. MCLEOD were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1398. An act to provide for the establishment of a Coast Guard station at or near Crescent City, Calif.;

H. R. 2737. An act extending and continuing to January 12, 1938, the provisions of the act entitled "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.", approved January 12, 1925;

H. R. 3369. An act for the relief of the State of Alabama;

H. R. 3629. An act to authorize the acquisition of additional land for the use of Walter Reed General Hospital;

H. R. 4688. An act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes;

H. R. 4886. An act providing for the employment of skilled shorthand reporters in the executive branch of the Government;

H. R. 5722. An act to provide for the addition or additions of certain lands to the Colonial National Monument in the State of Virginia;

H. R. 6773. An act to deepen the irrigation channel between Clear Lake and Lost River, in the State of California, and for other purposes;

H. R. 8370. An act to provide for the establishment of a Coast Guard station at Port Washington, Wis.;

H. R. 8414. An act to provide a preliminary examination of the Yakima River and its tributaries and the Walla Walla River and its tributaries in the State of Washington with a view to the control of their floods;

H. R. 8431. An act to provide for the establishment of the Fort Frederica National Monument at St. Simon Island, Ga., and for other purposes;

H. R. 8694. An act to provide a preliminary examination of Chickasawha River and its tributaries in the State of Mississippi with a view to the control of their floods;

H. R. 8759. An act to amend the act known as the "Perishable Agricultural Commodities Act, 1930", approved June 10, 1930, as amended;

H. R. 9235. An act to provide for a preliminary examination of the Cosatot River in Sevier County, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements with a view to the controlling of floods;

H. R. 9236. An act to authorize a preliminary examination of the Red and Little Rivers, Ark., insofar as Red River affects Little River County, Ark., and insofar as Little River affects Little River and Sevier Counties, Ark., to determine the feasibility of leveeing Little River and the cost of such improvement, and also the estimated cost of repairing and strengthening the levee on Red River in Little River County with a view to the controlling of floods;

H. R. 9249. An act to provide for a preliminary examination of the Little Missouri River in Pike County, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements with a view to the controlling of floods;

H. R. 9250. An act to provide for a preliminary examination of the Petit Jean River in Scott and Logan Counties, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements with a view to the controlling of floods;

H. R. 9267. An act to provide for a preliminary examination of Big Mulberry Creek, in Crawford County, Ark., from the point where it empties into the Arkansas River up a distance of 8 miles to determine the feasibility of cleaning out the channel and repairing the banks, and the cost of such improvement, with a view to the controlling of floods;

H. R. 9472. An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899;

H. R. 9496. An act to protect the United States against loss in the delivery through the mails of checks in payment of benefits provided for by laws administered by the Veterans' Administration;

H. R. 9671. An act to authorize the Secretary of the Treasury to dispose of material to the sea-scout service of the Boy Scouts of America;

H. R. 9673. An act to authorize the recoinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1936;

H. R. 9874. An act authorizing a preliminary examination of Cadron Creek, Ark., a tributary of the Arkansas River;

H. R. 9991. An act to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935;

H. R. 10094. An act to amend section 1 of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes", approved June 28, 1934 (48 Stat. 1269);

H. R. 10135. An act to authorize the construction of a model-basin establishment, and for other purposes;

H. R. 10182. An act to authorize the Secretary of War to acquire the timber rights on the Gigling Military Reservation (now designated as Camp Ord) in California;

H. R. 10187. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;

H. R. 10321. An act to amend section 4 of Public Act No. 286, Seventy-fourth Congress, approved August 19, 1935, as amended;

H. R. 10388. An act to aid the veteran organizations of the District of Columbia in their joint Memorial Day services at Arlington National Cemetery and other cemeteries on and preceding May 30;

H. R. 10487. An act to authorize a survey of Lowell Creek, Alaska, to determine what, if any, modification should be made in the existing project for the control of its floods;

H. R. 10489. An act to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y.;

H. R. 10583. An act to authorize a preliminary examination of the San Diego River and its tributaries in the State of California, with a view to the control of its floods;

H. R. 10751. An act to further extend relief to water users on United States reclamation projects and on Indian irrigation projects;

H. R. 10985. An act to repeal Public Law No. 246 of the Seventy-second Congress;

H. R. 11042. An act authorizing a preliminary examination of the Matanuska River in the vicinity of Matanuska, Alaska;

H. R. 11073. An act granting the consent of Congress to the State Highway Commission of Missouri to construct, maintain, and operate a free highway bridge across the Current River at or near Powder Mill Ford on Route No. Missouri 106, Shannon County, Mo.;

H. R. 11098. An act to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa.;

H. J. Res. 305. Joint resolution accepting the invitation of the Government of France to the United States to participate in the International Exposition of Paris—Art and Technique in Modern Life—to be held at Paris, France, in 1937; and

H. J. Res. 412. Joint resolution to authorize an investigation of the means of increasing capacity of the Panama Canal for future needs of interoceanic shipping, and for other purposes.

WAR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The VICE PRESIDENT. The question is on the amendment of the Senator from Florida [Mr. FLETCHER].

The amendment of Mr. FLETCHER is as follows:

On page 68, line 15, after the word "navigation", to insert the following: "and to include waterway improvements investigated by the War Department under specific authorization from Congress and subsequently undertaken pursuant to the Emergency Relief Appropriation Act of 1935", so as to make the clause read:

> For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation, and to include waterway improvements investigated by the War Department under specific authorization from Congress and subsequently undertaken pursuant to the Emergency Relief Approriation Act of 1935.

And on page 69, line 23, to strike out "$138,677,899" and insert in lieu thereof "$208,677,899."

Mr. FLETCHER. Mr. President, it seems important to explain the meaning of the amendment now proposed, to throw some light on the merits of the enterprise involved, and to correct some misunderstandings and misrepresentations, at least, that have appeared in magazine articles, on the floor, and elsewhere in the discussion of the subject.

It was stated by the Senator from Michigan [Mr. VANDENBERG] in his presentation of the matter yesterday that this is an extraordinary proceeding; that no river and harbor project has ever been treated in this way; that there is no merit or justification for this project; that it is here without proper authorization, without the proper consideration by the committees of Congress, and that it appears altogether irregularly at this time. These are broad general statements, which, I contend, are not founded upon the record in this case or upon the facts, and I think I will be able to prove my contention by the record.

Of course, the regular procedure in the case of river and harbor projects, the habitual practice in connection with ordinary river and harbor projects, has been to have a direction by Congress in the river and harbor bill for a survey of the project. That direction goes to the Chief of Engineers, who orders the district engineer to proceed with a survey. The district engineer reports to the division engineer; the division engineer reports to the Board of Engineers for Rivers and Harbors; that Board reports to the Chief of Engineers; the Chief of Engineers reports to the Secretary of War; and the Secretary of War reports to the House of Representatives, where the report is referred to the Rivers and Harbors Committee, and final action by Congress is taken.

I concede that that is the usual and customary practice with reference to river and harbor projects. I concede that the authorization of this river and harbor project is at variance with that practice.

But the legislation of 1935 is extraordinary in its character. These are extraordinary times. We are in the midst of problems today with which we were never before confronted. In the beginning of 1933 we had 13,000,000 people unemployed. Other conditions prevailed which made it necessary to enact legislation to remedy and cure the situation so far as we could. We have enacted legislation which is

out of the ordinary. I grant that. But the legislation was needed and was necessary at the time and has been found to have cured and to have saved a situation which otherwise would have brought on chaos and disaster.

I admit the Legislative Act of 1935 is unusual. I admit that the authority there granted is unusual. I admit that the power vested in the President is unusual. I concede all that, but that does not answer the question here. That is not an argument against the project we propose now. That might have been an argument against the bill itself. It is no argument against anything except as it might have been used against the bill when it was introduced, considered, and became a law in 1935.

There are those who voted against the bill, among them the Senator from Michigan [Mr. VANDENBERG]. He had a perfect right to vote that way. In the Senate there were 66 votes in favor of the legislation and 13 against it. The legislation is on the statute books. It may have been a foolish thing to do at the time, as some claimed, but it is the law, and acting under that law we are now presenting the situation to the Senate.

The amendment provides for an increase of $20,000,000 in the amount carried in the War Department appropriation bill. There were submitted to the Congress by the War Department and by the Budget Bureau estimates for $129,000,000 for river and harbor works. The committee in the House eliminated $29,000,000 of that amount and provided for only $100,000,000 of the recommendation and estimate. The ground for eliminating the $29,000,000 is stated in the hearings before the House committee.

At page 15 of those hearings will be found listed five projects. They are the Passamaquoddy tidal power project in Maine; the Atlantic-Gulf ship canal in Florida; the Conchas Dam in New Mexico; the Bluestone Reservoir in West Virginia; and the Sardis Reservoir in Mississippi.

Those were the five projects which called for the $29,000,000 which the House eliminated from the bill. The reason for that omission is explained in the House hearings at page 23, from which I quote:

> Mr. BOLTON. I want this point distinctly understood, that, as a member of the Appropriations Committee of Congress, I believe we are supposed to provide funds for carrying out activities which have been authorized by Congress, but I think it is entirely wrong to suggest to this committee the appropriation of funds for activities which have never been authorized by Congress. I think that would be entirely beyond the scope of our authority.
>
> Mr. PARKS. I think it has been held that any project that actually has been begun and on which money has been expended stands on the same level with projects authorized by Congress. Of course, that does not mean we have to do it, but, so far as the authorization is concerned, it is there.

Mr. PARKS was chairman of the subcommittee. That was the issue. It was finally decided to omit the five projects from the bill, reducing the total appropriation by $29,000,000.

I propose in my amendment to comply with the Budget recommendations and estimates so far as $20,000,000 of the amount is concerned. The amendment itself provides that that amount shall apply to projects which have been examined by the Army engineers in accordance with acts of Congress. The Passamaquoddy item, I understand, was never examined by the Army engineers, so that passes out of consideration.

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Florida yield to the Senator from Maine?

Mr. FLETCHER. I yield.

Mr. HALE. I think the Senator is mistaken in saying the Army engineers have not examined the Passamaquoddy project. I think they have not made a report on the project.

So far as I am concerned—and I think the same applies to my colleague, the junior Senator from Maine [Mr. WHITE]—I am in favor of the Passamaquoddy project, but I do not feel it has a place in the pending bill. I believe the Passamaquoddy project is a relief project, and that it can and should be taken care of out of relief funds such as have been provided by Congress. I am entirely satisfied to have that item left out of the bill, as the Senator has left it out of his amendment.

Mr. FLETCHER. I understood the Senators from Maine were entirely agreeable to leaving that item out of the pending bill. No matter whether it is favored or not, it was certainly represented before the committee that the Senators from Maine did not desire it included, so the Passamaquoddy project in Maine is not before us. The question before us is the $20,000,000 which would take care of the appropriation for the four projects authorized by the President and for which funds were allotted and upon which work has been begun.

Mr. HALE. Mr. President, will the Senator yield further?

Mr. FLETCHER. Certainly.

Mr. HALE. I think the Senator should state that in the recommendation by the Budget Bureau $9,000,000 was included for the Passamaquoddy project. The omission of that amount accounts for the reduction of the appropriation to $20,000,000 which is provided for in the amendment of the Senator from Florida.

Mr. FLETCHER. That is quite true; and that is what I intended to say. Of the $20,000,000 proposed in my amendment, $12,000,000, according to the break-down, will go to the Atlantic-Gulf canal. The other $8,000,000 will be divided in three sums of about $2,230,000 each to the projects in New Mexico, Mississippi, and West Virginia. These projects were authorized by the President in pursuance of a law enacted and approved in April 1935.

Congress empowered the President to make this authorization. Congress empowered the President and invested him with discretion to allot funds to the works which he should select. I do not believe it can be objected that in that act there was a delegation of legislative power to the President. An agency was created by the Congress and power vested in the President to do precisely what he has done.

The President accepted that responsibility imposed upon him by Congress, and with that rare vision and splendid judgment which has made him famous and with that patriotism and statesmanship which characterized him he proceeded to act.

He designated these projects as worthy of public improvement. He allotted funds to them. He has started the work upon them. Now he comes to Congress and tells what he has done, and recommends to Congress that they take over these projects and treat them as Federal projects, in accordance with other river and harbor activities, and under the usual river and harbor procedure.

That has been done. These projects are now Federal projects under the law. They are authorized by the President. He had the power to authorize them. They are in process of being completed, and they are to be treated precisely as duly authorized Federal projects.

I read from the testimony of General Markham upon that subject, so that there may be no doubt about it, although I believe that is not questioned. In the hearings before the subcommittee of the Commerce Committee, I asked him this question:

> Is it not true that projects classed as rivers and harbors projects and not authorized by Congress directly but authorized by the President, under authority delegated to him in the Emergency Relief Appropriation Act of 1935, and placed under the direction of the Chief of Engineers, as follows: Sardis Reservoir, located in Mississippi; Conchas Dam, located in New Mexico; Bluestone Reservoir, located in West Virginia; Passamaquoddy project, located in Maine; and the Florida canal, located in Florida, that those were the projects authorized by the President?
>
> General MARKHAM. That is correct, sir.
>
> Senator FLETCHER. Isn't that true?
>
> General MARKHAM. That is true.
>
> Senator FLETCHER. Each of those projects were authorized by the President and the work initiated under an allotment which amounted, in many instances, to only a fraction of the cost?
>
> General MARKHAM. That is correct.
>
> Senator FLETCHER. Each of these is regarded by the Chief of Engineers as an authorized project, he proposes to carry them in his budget from year to year until completed, unless it is otherwise disposed of?
>
> General MARKHAM. That is correct.

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We will proceed in what we conceive to be an orderly fashion from the beginning of that authorization and first allotment to whatever would be the Executive or congressional conclusion.

* * * * * * *

Senator FLETCHER. It is the same way with all these projects. The Florida canal does not stand distinct and separate from other projects. It is among the group of projects which have been authorized by the President and adopted by the President.

General MARKHAM. That is correct, sir.

The Senator from Michigan [Mr. VANDENBERG] gives the impression that the project with which we are now dealing has had only superficial examination; that it has not been thoroughly considered, and has not been properly examined by the engineers and its merits disclosed. I read this from General Markham's testimony in reference to the work that has been done in pursuance of the act of Congress calling upon the Army Engineers to make examination and survey; and I am going to contend, and I think I shall be able to show, that no river and harbor project has ever been authorized by Congress which has had a more thorough and more complete examination and consideration and study than this project has had.

Mr. President, I venture to say that for 27 years I have been a member of the Commerce Committee of the Senate. That committee has to do with river and harbor legislation. In all my experience I do not know of a single project which has ever been considered and approved or adopted by Congress which has had back of it a more complete and thorough and exhaustive investigation and study than this project—not one—and I shall show directly a comparison of the benefits arising from this project with the benefits arising from other projects which have been adopted by Congress.

General Markham, in his communication to me on this subject, said as follows—I read from page 56 of the hearings before the subcommittee of the Committee on Commerce of the Senate:

MY DEAR SENATOR: In your letter of January 23, 1936, you referred to Senate Resolution No. 210, with respect to the Atlantic-Gulf waterway and asked to be furnished with certain specific information.

I take pleasure in furnishing this information herewith:

1. You state that paragraph 1 of the resolution proposes an inquiry into "the nature and extent of expenditures to be made from emergency relief funds and subsequent expenditures for construction and maintenance to be made from regular funds", and ask whether or not, in my opinion, there has been sufficient competent survey, examination, and study of this project to determine its construction and maintenance cost with the same degree of accuracy as in the case of other river and harbor improvements in general heretofore approved and constructed. The investigations undertaken by this Department with respect to the Atlantic-Gulf waterway have been as exhaustive and detailed as those normally undertaken in connection with the preliminary examinations and surveys of river and harbor projects. This Department has realized from the inception of this examination that the magnitude of the project required a comprehensive study and its investigations undertaken over a period of 6 years were conducted in scope and detail sufficient to establish construction costs with reasonable accuracy. The estimated cost of maintenance, which must be based in large part on the experience gained from the maintenance of the many river and harbor projects throughout the country, would also appear to be dependable.

That is the statement of the Chief of Engineers. General Markham, the Chief of Engineers, will supervise this construction work. It is under his charge, not as a hireling of the P. W. A., as stated yesterday. He is in charge of this work by direction of the President, in accordance with and in pursuance of river and harbor practice, and in accordance with his official duties as Chief of Engineers of the War Department of the United States.

The P. W. A. has nothing to do with this construction. It is being done by the Army, as other river and harbor projects are being done; and the Chief of Engineers of the Army will have entire charge of this work from beginning to end.

The Chief of Engineers is an expert, trained, capable engineer. His standing in his profession, as Emerson said of Aristotle, is that of "master of those who know." He will have charge of this work as Chief of Engineers.

Now, as to the intimation which has been made that there has not been sufficient and thorough examination and survey and study of this particular project.

In the first place, the act of Congress of 1927 directed a survey for a canal across Florida. In pursuance of that act of Congress the engineers were directed to proceed to make that examination and survey. The task was not delegated to a district engineer and in turn delegated by the district engineer to individual engineers, as is the practice in the ordinary run of river and harbor projects. The Chief of Engineers appointed a special board of engineers, a special board of survey, to make this study and this investigation. They were engaged in that work for 18 months. They brought into cooperation with them experts from the Commerce Department simply with reference to the economic and commercial justification of the canal. That Special Board of Survey of the Army Engineers went exhaustively into every question which is considered by engineers in passing upon the merits of river and harbor projects—the economic and commercial data, the route, the plans and specifications. They went into every question that determines the matter of recommendation with reference to river and harbor projects. They were 18 months at that work.

In the meantime, there were further developments. The act of 1934 was passed authorizing loans and grants for public projects.

The National Gulf-Atlantic Ship Canal Association, a corporation not organized for profit, and subsequently a public agency of the State of Florida, made application to the Reconstruction Finance Corporation for a loan and grant with which to build this canal. So much time was elapsing between reports and conclusions that the national association thought they would make application to the Reconstruction Finance Corporation for a loan and grant. The application was transferred by the Reconstruction Finance Corporation to the P. W. A., becoming the application of the Ship Canal Authority of the State of Florida, especially created by the State legislature for that purpose. The P. W. A. engineers made a thorough survey and examination, in accordance with the law, to determine the possibility and prospect of this being a self-liquidating proposition as a toll canal. Under the application they had to consider the question of the security for such a loan. The engineers of the P. W. A. made a thorough examination of the whole project from beginning to end; they studied the question for months and months, and they reported favorably on the application as follows. I quote from their report of October 19, 1933, as it appears on page 43 of the hearings before the subcommittee of the Senate Committee on Commerce:

It is concluded that the project covered herein constitutes a public necessity and is of real social value. The project will afford much employment to many classes of skilled and unskilled labor; that the design is in accord with sound engineering practice; and that the project is economically sound. It is recommended that the loan with or without the grant be made.

Subsequently, however, the Secretary of the Interior turned it down, after the board of review had reported that ships would probably pay a cash toll equivalent to only 45 percent of the savings realized, or about 8 cents per net registered ton, believing that it would not be self-liquidating within the P. W. A. requirements.

Of course, the question primarily was as to the amount of revenue that would be derived from the tolls which might be imposed, and the rate of the tolls and the amount of tonnage were determining factors. It depends on whether there is a rate of 8 cents per net ton in the way of tolls, or the Panama toll of a dollar a ton. They figured on a toll of 8 cents per net ton of cargo. The Secretary finally decided that he did not consider this security sufficient for the loan applied for.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield.

Mr. COUZENS. Does the Senator know why they selected the figure of 8 cents per net ton?

Mr. FLETCHER. That is just an arbitrary figure they used. They could fix it at any figure up to the total savings, about 18 cents per ton. It was estimated by the board of review that only 45 percent of the benefits to the ship could be collected for tolls, the ship taking the other 55 percent as its net benefit from using the Canal. That is purely an arbitrary adjustment. At any rate, on the basis on which they figured, the P. W. A. were not satisfied that the Canal

would yield revenue sufficient to make it self-liquidating within their requirements.

The report of the engineers, however, is valuable as a collection of data and as a basis for further study of the project.

The report of the Special Board of Survey of the Army Engineers dealt with a canal which was to be a lock canal, with three locks. The report of the P. W. A. engineers dealt with a canal with two locks.

There was a variation between the estimates of cost. There was a difference in other respects, as to some specifications and unit costs, and there was a considerable spread between the cost estimates of the P. W. A. and the estimates of the special board of rivers and harbors, although they both estimated the direct benefits to shipping at somewhat above $8,000,000 per year.

Every Senator from the Gulf States joined in asking the President to appoint a board of review in order to consider and, if possible, reconcile the cost estimates of the different engineers and make its own study and investigation. The President did appoint such a board. He called on the Secretary of War to name two engineers for that board of review. The Secretary of War named Colonel Hannum and Major Somervell, of the Corps of Engineers, both experienced, capable, high-class engineers of high standing. He called on the Secretary of the Interior to name two engineers, and he named Mr. McDonough, chief engineer of the P. W. A., and his assistant, Mr. Fowler. These four were directed to select a fifth as chairman. They selected Mr. Douglas, of New York, a civil engineer of international reputation, who had had charge of the Cape Cod Canal, of the Detroit tunnel, and other great enterprises in this country and some abroad. He stands among those at the top in his profession. No one questions his ability, his high character, his genius, his training, his experience, or his capacity.

This board of five members, as fine and splendid engineers as can be found in this or any other country, was selected by the President to examine into all the details of this entire proposed project, and to examine also all the data and material which had been gathered by the Army engineers' special board of survey, and all the data and material which had been gathered by the P. W. A. engineers, and then to make their own investigation and study. I submit that no board of engineers ever exceeded in ability and in training and in experience this special board of review.

The board set to work on this problem. They did go into all the material which had been gathered by the special board on survey of the Army engineers, they did go into all the material which had been gathered by the P. W. A. engineers, and they did make their own examination and their own study of this matter. Every factor entering into it was considered, and after exhaustive study this board reported and recommended to the President a sea-level canal instead of a lock canal. Making it a sea-level canal, of course, would bring down the cost. Such locks as are proposed cost millions of dollars; after they are put in they have to be maintained, and the cost of operating the locks is considerable. The new plan would save all that. The board favored a sea-level canal. It would save in the cost and it would result in a more useful canal, because it would save the delay incident to ships' passing through locks in the canal, and it would save a very considerable amount in annual maintenance.

This board not merely submitted its report to the President, but it made recommendations. I will read from the report of the hearings before the Senate Committee on Appropriations at page 175. This board of review, as fine and capable a body of engineers and experts as was ever established or set up in any country, made recommendations to the President.

We hear talk about this project not having been properly examined or studied, and its consideration being hurried by the President, the intimation being not only that the President had no authority, but that he did not properly exercise what authority he had, indicating to the public that the President has wasted $5,400,000 of public funds on this project without proper investigation and study.

The mere fact that a committee of Congress has not given consideration to the report is not important. Under the law the report was to be made to the President, not to Congress. The application was pending before the President, under the act of 1935. The report had to be made to him. It was not made to the Board of Engineers for Rivers and Harbors, or to Congress; it was made to the President. He was charged with the responsibility of determining the merits of this proposed project, and whether he would allocate money to its development.

I read from page 175 of the hearings before the Senate Committee on Appropriations as to what the board recommended.

> This board * * * recommends for your consideration a 30-foot sea-level canal at a cost of $143,000,000, exclusive of interest during the period of construction. This board further recommends the deepening of this canal to 35 feet when traffic may justify it.

They favored the sea-level canal—

> Because of slightly lower first cost and much lower operating and maintenance cost.
> Because it has greater ship capacity.
> Because of the lesser difficulties in construction.

Mr. CAREY. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. I yield.

Mr. CAREY. I find in the report of the Board of Review the following language in the last paragraph:

> This Board was not instructed to estimate the benefits accruing from the construction and operation of this canal. However, if it be assumed that the economic study made by the Special Board of Army Engineers for a lock canal is sound and considering the lower maintenance and operating costs of a sea-level canal the cost of a canal which would be justified, at 4-percent interest, would be—

Then the cost is given.

As the Senator from Florida will recall, I tried to bring out in the hearing before the Appropriations Committee the fact that an economic study of this proposed canal had never been made; that no study had been made as to whether such a canal was necessary or whether it was worth while, and I could not get any evidence in the committee that such a report ever was made. Has any such report ever been made?

Mr. FLETCHER. The economic survey and the report were made by the special board of survey appointed by the Chief of Engineers. That report was filed with the Board of Engineers for Rivers and Harbors.

Mr. CAREY. Was that a report on the economic benefits and public necessity for the canal?

Mr. FLETCHER. Absolutely. That special board brought in experts from Government departments to assist it in that study. That special board's report is on file in the War Department, and it covers the economic and commercial survey, giving ship by ship, as I shall point out on the map in a moment, that would use the canal. That is the report which the board of review accepted after taking it up and considering it, after ascertaining the basis upon which the calculations were made, because they held that the estimates in that report and the findings applied to a lock canal, which would obviously be much more favorable when applied to a sea-level canal. The board of review adopted that report as applicable to lock-canal requirements, and accepted it for the sea-level canal.

Mr. CAREY. Mr. President——

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Does the Senator from Florida yield to the Senator from Wyoming?

Mr. FLETCHER. I yield.

Mr. CAREY. I find in the report of the hearings on the bill before the House committee that Mr. Howard asked General Pillsbury:

> Mr. POWERS. Do I understand, then, that the Florida ship canal has never been approved by any board of the Army Engineers or anyone else?
> General PILLSBURY. I do not recollect any.

Captain CLAY. There was a special board, and they did point out that, although it lacked complete economic justification with a part of its cost charged to relief, it would be suitable as a relief project.

Mr. FLETCHER. I do not know anything about that board, but I think there is some confusion there. A special board did consider the economic problem as this board of review mentions. The board of review says:

However, if it be assumed that the economic study made by the Special Board of Army Engineers for a lock canal is sound and considering the lower maintenance and operating costs of a sea-level canal the cost of a canal which would be justified at 4-percent interest, would be:

Sea-level canal $160,000,000

This board found that the canal would be justified; it accepted the estimates made by the special board with reference to a lock canal as applicable to a sea-level canal at a cost of $160,000,000, and then they further found that the cost would be $142,700,000, or, roughly, $143,000,000.

Mr. CAREY. Has the Senator from Florida seen a copy of the report of the War Department Engineers in which they set forth the economic benefits of this canal? Is such a report available?

Mr. FLETCHER. I have only seen portions of it. I have not seen a full copy of it.

Mr. CAREY. I thank the Senator.

Mr. FLETCHER. The board of review reported that it had accepted the report of the estimates and findings as to economic justification by the special Board of Survey of the Army Engineers, as applied to a lock canal. Of course, there would be less cost in connection with building a sea-level canal; it would be less expensive to operate, and so forth. The figure it gave would be a conservative figure for such a canal. The board of review, as I said, estimated the cost to be justified at $160,000,000. But this proposed project will not cost $160,000,000. It figures down to $143,000,000. The right-of-way, of course, is to be furnished by the State, and the State has furnished that right-of-way. I will come to that point in a moment.

Gentlemen, what higher authority could be called upon and what more complete study and investigation could be made of any project than has been made of this project? Six years has been spent on it by engineers, and finally the culmination and the accumulation and the coordination of all the work which has been done was submitted to the board of review, which reported to the President and recommended this project as being thoroughly justified, and that it ought to be undertaken. What higher authority could we have?

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield.

Mr. NORRIS. The Senator several times has mentioned that a sea-level canal would cost less than a lock canal. While I do not know that it is material to this discussion whether the canal shall be a lock canal or a sea-level canal, I am, however, very curious to know in the first place why the Senator makes that statement. Secondly, in reaching the conclusion, as some of the boards did, that the canal ought to be a lock canal, how high did they decide that the locks are to be, and where will they get the water to supply the locks; and if the canal is made a sea-level canal how much deeper will they have to make such a canal than they would have to make it if it were a lock canal?

Mr. FLETCHER. My understanding is, Mr. President—I am not an expert engineer—that the depth will be the same, 30 feet in either case, a lock canal or a sea-level canal. I think that was the estimate made as to the depth of either canal. The first board of survey, the Special Board of Survey of the Army Engineers, considered three locks in the canal. The P. W. A. engineers considered two locks.

Mr. NORRIS. If the sea-level canal and the lock canal are to be of the same depth, what is the necessity for any locks?

Mr. FLETCHER. There is usually a choice between the two types. The decision is determined by many factors. The final decision in this case is for a sea-level canal.

Mr. NORRIS. I cannot understand that yet. As I said, it may not be material in considering this subject, because we are not passing on the question of whether it should be a lock canal or a sea-level canal. I know, however, that when we built the Panama Canal there was great controversy, which was national in its scope, as to whether that canal should be a lock canal or a sea-level canal, and President Roosevelt—Roosevelt the First—appointed an eminent corps of engineers, some of them foreigners, some of the greatest engineers in the world, to study that question and to report to him. I am speaking entirely from memory now, but as I remember, that board of engineers recommended, and I believe unanimously, though there may have been a dissenting vote, that the canal should be a sea-level canal. President Roosevelt set aside their recommendations entirely and decided on a lock canal. Some other engineers had recommended that the canal be a lock canal, although they were in the minority. We built a lock canal. One of the greatest arguments against a sea-level canal was the enormous additional cost that would be made necessary by a sea-level canal.

I cannot understand how a sea-level canal can be built for less money than a lock canal can be built, and I cannot understand why any locks are necessary unless the intervening ground between the ocean and the Gulf is so high that the cost of digging a canal at sea level would be prohibitive.

Mr. FLETCHER. I will say to the Senator from Nebraska that most of this route is practically level. There is 75 miles of cutting. I think the highest elevation would be about 70 feet.

Mr. NORRIS. That is one of the things I wanted to find out. Of course, if we have a lock canal, then the water must be supplied from a river or some other place that is higher than sea level.

Mr. FLETCHER. I read further from the report of the board of review:

The board of review, after further investigation, is of the opinion that these conditions are not controlling and for the following additional reasons, prefers the sea-level canal.

(1) Because of the slightly lower first and much lower operating and maintenance cost.

(2) Because it has greater ship capacity.

(3) Because of the lesser difficulties in construction.

Those are the reasons they give for preferring a sea-level canal.

Mr. NORRIS. That is what aroused my curiosity. They say that a sea-level canal will be less expensive than a lock canal. I cannot understand how that can be possible.

Mr. FLETCHER. The conditions at the locality in Florida are somewhat different from the conditions at the Panama Canal, where there is quite a variation between the level of the Pacific and the Atlantic Oceans. The nature of the material is also very different. Evidently the excavation of the larger amount of soft material will cost less than the locks.

Mr. NORRIS. Oh, yes. If we had had a sea-level canal at Panama some locks would have been necessary on account of the difference in the tide on the Pacific side and the Atlantic side. I am wondering if that explains the conclusion that is reached in the report, because if the water on the Gulf side is higher or lower than the water on the Atlantic side, made so by the tides, it might be necessary to have locks anyway, even if a sea-level canal were constructed.

Mr. FLETCHER. There is very little variation there. Anyway, the lock question is out of the picture, because the President adopted the report of the board and acted upon it and provided in the first allotment of $5,000,000 for a sea-level canal.

Mr. NORRIS. It seems to be plain, but in the recommendations the Senator has just read there is contained the statement, in effect, that a sea-level canal will cost less money than a lock canal. If the report shows how that can be possible, I should like to have the Senator read it. I do not see how that can be.

Mr. FLETCHER. The report does not go into details about that. The board just makes that statement. It may

be that attached to their report are some details which I have not at hand. I am simply relying upon that report; and the President relied upon it and based his action upon it.

The President had before him this report for nearly a year and had it under serious consideration all that time. He was not hurried into this venture at all; he took his time about it; he studied the whole problem thoroughly and exhaustively; he had this report and these data before him for a year before he issued the order to the Treasury. That order, by the way, was issued not on September 3, as stated yesterday, but on August 30, 1935.

With reference to hazards, while the Senator from Michigan stressed that there was almost no loss of life and no loss of property by reason of the hazards in the Florida Straits, it happened that last year—and I do not brag about those hazards; they are too close to Florida; and I mention this as a fact that cannot be questioned—on September 2 the *Dixie*, a fine passenger ship costing six or eight million dollars and voyaging from New Orleans to New York, while passing through the Florida Straits was blown by a hurricane upon the reef opposite the Florida Keys. Three hundred and twenty-nine passengers and 110 officers and members of the crew of the vessel were in desperate peril of their lives for 3 days on that reef. It happened that there was no loss of life, for, after a while, the waters became sufficiently smooth to permit the rescue of those on the ship. But I venture to say that none of them would like to undergo that experience again. It also happened that the ship was not lost. After the lapse of 4 or 5 days more they were able to salvage the ship and take her off the reef. I do not know the percentage of damage to the vessel, but all during that time the lives of four or five hundred persons were in imminent danger of being lost, as was the ship itself. That is one instance. Another hurricane came in the early part of November last year, in that same region, which was just as severe. So there are hazards in that region. The trans-Florida canal will relieve shipping of those hazards in passing through the Florida Straits at certain seasons of the year. If the canal had been constructed, and the *Dixie* had been in it, she would have been perfectly safe in going from New Orleans to New York.

Let me pass on to the statement that there is no justification for the construction of the canal and that there are no benefits practically shown by the engineers. The estimate of the Army engineers is that the benefits to commerce from the enterprise will be approximately $8,300,000 a year. The P. W. A. engineers did not go into the question of the hazards or the question of the value of the canal to national defense or the question of promoting commerce; that was not their function; but the Army engineers on river and harbor projects do consider those questions. They estimated that the benefits to commerce alone annually arising from the use of the canal will be approximately $8,300,000; and the engineers approving river and harbor projects usually consider all the elements of cost, such as the interest, maintenance, actual outlay for construction, and every other element entering into the cost. They total the figures, and if the annual benefits amount to 3 percent of the cost plus operation and maintenance they recommend the project. And their figures show that this project much more than meets these requirements for justification.

Now I desire to call attention to some testimony on that subject of the benefits of the canal. The Board of Review was instructed to study and examine the report of the special board of survey of the Army engineers and the report of the P. W. A. engineers, and to make such further examination and study as it might deem appropriate.

On June 28, 1934, the Board made a report to the President, recommending the construction of a sea-level canal, and estimated its cost at $142,700,000, exclusive of land or right-of-way and interest during construction.

The board of review further recommended the deepening of the canal to 35 feet when the traffic will justify it.

It further found that, based upon the economic survey of the special board of survey of the Corps of Engineers, such a sea-level canal would be economically justified on even a 4-percent basis up to a cost of $160,000,000. That is what this competent board found; and there is no higher or better evidence that could be produced to the President and no more authoritative statement could be made than was furnished him in this connection.

Mr. COUZENS. Mr. President, will the Senator yield?

Mr. FLETCHER. I yield.

Mr. COUZENS. What is the attitude of the people of Florida toward this enterprise?

Mr. FLETCHER. There are some people in Florida who are opposed to the canal. Some propaganda has been spread abroad; some publications have been printed with reference to the objections which they make. I will indicate, I think in a way, what the sentiment is. The State was required to furnish the right-of-way. The canal is to run through six counties. The six counties undertook to furnish the right-of-way by issuing bonds. They provided for the issuance of a million five hundred thousand dollars of bonds.

The law requires that freeholders must vote on the question of issuing bonds and that a majority of them must participate in the election. This question was presented to the people there and the bonds were voted by a vote of 27 to 1. Ninety percent of the freeholders registered and went to the polls to vote upon that question. Ninety-seven percent of them voted for the bond issue. I think that indicates somewhat how the people stand on the question of the canal. About 3 percent of them were against the bond issue.

Mr. COUZENS. I assume it is safe to conclude that those voters were closer to the canal than other people in the State and more interested in it because their land was going to be cut through?

Mr. FLETCHER. I think perhaps that is true. Those bonds were issued, let me say to the Senator, and the proceeds are being used to secure the right-of-way.

Mr. NORRIS. What proportion of the right-of-way has been purchased?

Mr. FLETCHER. I cannot say exactly as to that, but quite a large portion of the right-of-way has been acquired. There are some condemnation proceedings now pending, which are necessary because the authorities cannot reach an agreement with the landowners.

There are other people—and I think I can give some reasons for their attitude—who are against the canal. As a general proposition, the Senator knows that the railroads are not favorable to waterway improvements. I state that as a general proposition, and the record here shows it to be so in this case. The railroads opposed this canal before the special board of survey. That is the record. I am not stating this case except by the record. The representatives of the railroads appeared there and opposed this canal. They do not like the idea of readjustment of freight rates. Perhaps there may be other reasons why they do not favor the canal, but there will be some effect on freight rates undoubtedly. The tendency will be to reduce freight rates. That is not quite agreeable to the railroads. Perhaps they do not like the idea of having to build a bridge or two here and there. I do not know what their argument is, but, as a general proposition, they are against waterway improvements; and that opposition has spread over the State. They have had their representatives in chambers of commerce and elsewhere, and probably here in Washington, for aught I know to the contrary.

Mr. COUZENS. Mr. President, will the Senator yield further?

Mr. FLETCHER. I yield.

Mr. COUZENS. What is the attitude of the Committee on Commerce, which usually passes first on appropriations of this kind?

Mr. FLETCHER. With reference to what?

Mr. COUZENS. With reference to the project. What is the attitude of the Committee on Commerce with respect to the Florida project?

Mr. FLETCHER. This project has not been before the Committee on Commerce. A subcommittee of that committee had a hearing on a resolution involving the matter, but has not yet made its report. The subcommittee will report to the full committee.

Mr. COUZENS. May I suggest that it might be a better program to put this additional appropriation in a deficiency bill after this report shall have been made, rather than to attempt to push it through prior to the time a senatorial committee has passed upon the question?

Mr. FLETCHER. I submit that a senatorial committee has nothing to do with it; that the act of 1935 vested the authority and power in the President, and the President is to consider matters which ordinarily a Senate committee would consider as to their merits. The President has obtained information through the Army engineers and the P. W. A. engineers and the special board of review who have examined the project. That is the same information which would be laid before a committee. It was not necessary to lay it before a committee. It had to be presented to the President. The reports were made to the President.

With reference to the benefits, I invite attention to a comparison between the benefits to be derived from this project and the benefits in relation to cost of other river and harbor projects in the United States which have been adopted by Congress.

The benefits in relation to cost in this instance, taking only direct benefits to shipping, stand at about 1 to 1.6. The ordinary ratio of cost to benefits of river and harbor projects throughout the country is much less than this. This project stands in the front rank of river and harbor projects in the country. All things considered, the ratio of cost to benefits of this project will be higher than that of any other project now in existence that I know of or of which we have any record.

That comparison is all covered in the hearings, and I shall not take the time to go into it. It appears at page 61 of the hearings before the subcommittee where comparisons are made with various other projects, such as the Delaware River to Philadelphia and Trenton, the New York-New Jersey channel, the Chesapeake and Delaware Canal, the Beaver-Mahoning Canal, and the Cape Cod Canal. In the three latter cases the ratio is as 1 to 1. In the case of the Florida canal the ratio is 1 to 1.6, according to the figures given by the experts who have examined the whole matter.

Let me now take up the exhibits and maps on the wall. Some comment has been made rather facetiously about the map and what it is intended to show. I call attention to the fact that each and every ship located on the map is indicated by a red marker, placed there by the Department of Commerce. The red markers indicate the location of the ships on the 10th day of December 1932, at noon. The map shows the location of the ships on the seas at that hour, at noon on the 10th day of December 1932. The ships which would ordinarily use the canal are so indicated. The English Channel is shown, with ships coming from Holland, France, and Germany. On the other side of the map are shown the ships along the Atlantic coast, ships from New York and Baltimore.

The actual location of ships at that hour on that day is shown with reference to those ships which would use this canal. The entrance to the canal on the Gulf side and on the Atlantic side is shown. At noon on the 10th day of December 1932 the ships were actually located as shown on the map. There is no guesswork about it. That information is furnished from the records of the Commerce Department. Each red marker on the map represents an actual ship in its actual location at noon on the 10th day of December 1932. It was necessary to greatly magnify the size of the ships to make them appreciable on the map.

About 900 ships are shown. An additional 100 or more could not be shown, because they were in portions of the world not covered by the map. Those ships make more than 10,000 transits per year through the straits of Florida. Every ship shown upon the map was bound through the Straits of Florida and would have used the canal if it had been open. No other ships are shown. There is no attempt to show any other ships on the sea except those which are now using the Straits of Florida to the Gulf, and which would have used this canal if it had been constructed.

The location of the ships, as indicated on this map, was furnished by the Department of Commerce. The name of each ship can be obtained from the official marine register of that date.

The average savings in time which the canal would afford to these ships, so far as coastwise traffic is concerned, would be approximately 2 days on each round trip. A ship clearing from New York to New Orleans would save 2 days by passing through the canal on the round trip. A ship from Baltimore to Galveston would save about 2 days' time by using the canal on the round trip. Ships of foreign traffic would save approximately 1⅓ days. Only about 30 percent of the commerce which would be carried through the canal goes foreign. Seventy percent would be coastwise, the engineers estimate. This is a steadily increasing traffic. If the map were brought up to date it would show more than 50 additional ships.

This is the greatest stream of ocean-borne traffic in the world, and is equivalent to one ship passing through the canal every 47 minutes, day and night, throughout the year. This is the actual traffic as it exists today available to the canal. It does not include any of the traffic passing through the straits of Florida which probably would not use the canal. The traffic available to the canal at the present time amounts to 90,000,000 deadweight tons per year. This is nearly double the traffic on the Suez Canal and almost one-half again as great as that on the Panama Canal.

All of the figures and statistics which I have quoted were supplied by the Corps of Engineers or the Department of Commerce.

Mr. President, is it possible that Senators will oppose a mighty stride of progress, the greatest undertaking in this generation on the part of this Government? Is it possible that Senators will block the way of the greatest accomplishment achieved by the Government in this century?

The Senator from Michigan [Mr. VANDENBERG] says that shipowners and ship operators do not appear to favor the proposed canal. I shall not take the time of the Senate to read a number of letters; but I submit that the commercial value, the economic justification of a project, cannot be determined by asking individual shipowners or operators their opinion about it. Their opinion ordinarily is obtained for what it is worth. It may be valuable merely as supplementary or corroborative, but it does not determine the matter. The engineers have to consider commerce as a whole. This is a great national enterprise. The question is not whether this shipowner or that interest wants the canal, but whether it is in the public interest. The President undoubtedly looked over the situation and concluded that the result of this project will be for the benefit of the whole country; that it is a national undertaking; that it will add to the national wealth; that there are in this country thousands of persons who are unemployed, and here is a project which will give employment to those persons. The Chief of Engineers estimates that when the canal is in full process of construction, it will afford employment to 20,000 workers annually—20,000 annually! That is one consideration. The President has, therefore, after considering these facts, authorized the project.

I say now, with reference to the individual letters which have been received, that the writers of the letters contradict each other and themselves. They say one thing to the special board of survey when they send out a questionnaire, and they say another thing to the Senator from Michigan [Mr. VANDENBERG]. The writers cannot be depended upon as furnishing reliable testimony, and they are practically worthless when it comes to expressing their views, because, as I say, they contradict themselves and change their minds from time to time. They represent merely their respective individual interests.

I wish to read an extract from a letter written by a man whose letter the Senator from Michigan read yesterday, addressed to him. Here is one addressed to the Army Engineers' Special Board of Survey from the Sinclair Navigation Co., 45 Nassau Street, New York City, under date of May 15, 1933, signed by J. G. Johnson, vice president. It says:

Reviewing our company operations and allowing 36 hours for one transit of canal, the estimated time saved via canal as com-

pared to present route would be approximately 3,000 hours per annum for all vessels. On present freight rates this would represent to our company a saving of about $74,000 per year. This is based on about 130 trips equal to 260 transits.

The only reliable testimony submitted on the question of the time required for making a transit of the canal comes from the Army engineers and the Bureau of Navigation, which are qualified and equipped to make such calculations. The Bureau gives us the time of transit as 24 hours from the lightship on the Atlantic at one entrance of the canal to the lightship on the Gulf of Mexico at the other entrance of the canal. These ship people are figuring on 36 hours. I presume perhaps they had in view a lock canal; but even with that, they show a benefit of $74,000 per year. They say further—I quote from the same letter:

As to the necessity for, or desirability of, this project in the interest of navigation and marine commerce, the estimated savings, in our opinion, would not permit of the canal being operated on a toll basis as a self-liquidating project. If the canal were constructed by the War Department as a regular river and harbor project and operated toll free, there would be a saving to marine commerce.

That, of course, is natural.

Mr. COSTIGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BENSON in the chair). Does the Senator from Florida yield to the Senator from Colorado?

Mr. FLETCHER. I yield to the Senator.

Mr. COSTIGAN. What the Senator from Florida is saying is of such general interest that I should like, at this moment, to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Overton
Austin	Copeland	King	Pittman
Bachman	Costigan	La Follette	Pope
Bailey	Couzens	Lewis	Radcliffe
Barkley	Davis	Logan	Reynolds
Benson	Donahey	Lonergan	Robinson
Bilbo	Duffy	Long	Russell
Black	Fletcher	McAdoo	Schwellenbach
Bone	Frazier	McGill	Sheppard
Borah	George	McKellar	Shipstead
Brown	Gerry	McNary	Smith
Bulkley	Gibson	Maloney	Steiwer
Bulow	Glass	Metcalf	Thomas, Utah
Burke	Guffey	Minton	Townsend
Byrd	Hale	Moore	Vandenberg
Byrnes	Harrison	Murphy	Van Nuys
Capper	Hatch	Murray	Wagner
Caraway	Hayden	Neely	Walsh
Carey	Holt	Norbeck	Wheeler
Clark	Johnson	Norris	White

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

(At this point Mr. FLETCHER yielded to Mr. REYNOLDS, who spoke on the subject of the deportation of aliens. Mr. REYNOLDS' speech appears on p. 3843 in today's RECORD.)

Mr. FLETCHER. Mr. President, I hope to conclude my remarks in a very short time. Many hours could be spent going into details in connection with this project, but if what I have said has not been convincing, nothing I might say further would be.

There is one point which the Senator from Michigan [Mr. VANDENBERG] mentioned on yesterday which occurs to me now. His argument was that the cost of the project would probably run up to $200,000,000, or some other indefinite sum, and that the regular business operations in connection with an enterprise like this would be interfered with by reason of employing relief labor.

The testimony of General Markham was that he expected to complete the project within the estimates furnished, notwithstanding some increases in connection with some requirements of the W. P. A. The estimates made by the engineers and by the board of review were to the effect that the total cost of the canal would be $143,000,000. There is no foundation for any argument to the effect that it would exceed that figure. If there were an increase in the cost, of, say, 25 percent, by reason of employment of labor on the relief rolls, that would not extend over the whole period of 5 or 6 years.

Senators might apply that to 1 year if they wish, and suppose we say that by reason of conditions now imposed or by reason of restrictions which are suggested, that the cost would be 25 percent higher for the next year than it would be if the engineers had a free hand to let contracts and attend to this work just as they would in connection with an ordinary proposition; that would mean an increase of $3,000,000; it would not mean an increase of 25 percent of the total cost, but an increase in cost of 1 year's work, the total of which is estimated to be $12,000,000. I merely mention that.

There are other things suggested in the Senator's remarks which I should like to take up, but I will not take time to do so.

I desire to call attention to the exhibits on my left, the photographs on the wall. These photographs show excavation in the cut section of the canal. This cut section is really the canal proper, and is only 29 miles long. All the rest of the so-called canal is merely a canalization of existing rivers. Senators will hear talk of the great length of the canal. As a matter of fact that canal itself, the actual cut, is only 29 miles long. I hope Senators will bear that in mind.

These pictures show the excavation of approximately 17,000,000 cubic yards so far. These excavating operations at the present time extend over a line 20 miles long. In other words this "hole in the ground", as it is sometimes described, is about 20 miles long, with some gaps.

The average labor at the present time employed is about 5,000 men.

As the pictures will show, the work is being done by efficient machines and by hand labor where appropriate.

The dimensions of the canal are as follows:

Depth, 30 feet.

Bottom width: A. Sea approaches, 1,000 feet. B. In rivers, 400 feet. C. In cut, 250 feet.

Mr. President, it is sometimes called the Florida canal. It gets that name because of its passage across the State of Florida. Its proper title is Atlantic to Gulf Canal. It affords a connection between the Atlantic and the Gulf.

Florida, of course, is interested in the canal. The Florida Legislature unanimously petitions for the construction of the canal. Florida has authorized its construction across the State. Florida people are greatly interested because, in the first place, they have been given to understand this canal would be constructed, that the Government would proceed with it, and they have trusted in that assurance. They have voted for a million and a half of bonds which have been issued to provide the right-of-way.

I do not know how much of the original grant of funds under the act of 1935 remains in the hands of the President. I am not familiar with that. I only know that the President has come to Congress and laid this proposal and recommendation before Congress: That the Director of the Budget has recommended this appropriation of $12,000,000 for the next year's work on that canal. These are projects which the President has recommended, which he has authorized, pursuant to law, which have been undertaken and which are under construction, and he brings them to Congress and recommends specific appropriation of money for them.

It has been said that the President has ample authority to continue to allot funds to these projects under the Emergency Appropriation Act of 1935, and possibly from any additional relief appropriations which Congress may make, and this is unquestionably true. But that is no valid reason why we should not make specific appropriations for them in this bill. They are undoubtedly qualified for appropriations as river and harbor items.

I have not dwelt upon other features such as the importance of the construction of the canal to the national defense. It would afford another route to the Panama Canal and to the Gulf of Mexico, if the Straits of Florida should be blockaded or interfered with. Its value as a factor in national defense cannot be estimated in dollars and cents. This project is the mightiest force now available in making the Gulf of Mexico the Mediterranean of the western world.

I submit the matter to the Senate.

Mr. President, I ask to have printed, as a part of my remarks, a statement by Mr. Henry H. Buckman, consulting engineer, giving the facts and the history in connection with the Florida canal project; and a telegram which I have received from Col. Gilbert A. Youngberg, a retired former United States district engineer.

There being no objection, the statement and the telegram were ordered to be printed in the RECORD, as follows:

STATEMENT BY HENRY H. BUCKMAN, CONSULTING ENGINEER

The proposal to construct a waterway across Florida which would obviate the expense and danger attendant upon navigation of the route through the straits of Florida has been considered now and again for more than a century. President Jackson urged the construction of such a canal, and since that time it has been from time to time the subject of examinations and inquiry by the Federal Government. Until recent years the project assumed the form of a barge canal. Until the growth of ocean shipping into and out of the Gulf of Mexico increased to a point which appeared to justify the cost of a ship canal such surveys and discussions were limited to a waterway of the barge-canal type because of the smaller dimensions of a barge canal and other engineering considerations. The possible location covered a much wider area than is the case with a ship canal, and the earlier surveys made by the Corps of Engineers included the examination of routes whose eastern termini ranged from the east central coast of Florida to points on the coast of Georgia. The results of these surveys indicated that several routes were feasible for a barge canal, but in no case has the potential barge traffic been sufficient to warrant the cost of a canal which would transit only barges. Some time prior to 1925 the development of ocean-going traffic through the straits of Florida had reached a point to where the apparent savings to shipping and ocean-borne commerce indicated the justification of the more expensive ship canal, which would also serve for barge traffic. However, engineering considerations governing the construction of a waterway of ship-canal dimensions confined the location of the project to the Peninsula of Florida and eliminated the possibility of a route through both Georgia and Florida.

Under the River and Harbor Acts of 1927 and 1930 the Corps of Engineers initiated and completed examinations and physical surveys of this project. The surveys were conducted by a special board of Army engineer officers detailed to that work by the Chief of Engineers.

In 1932 there was organized in New Orleans a National Gulf-Atlantic Ship Canal Association, the stated purpose of which was to procure construction by the Federal Government of this project in order that the resulting benefits might accrue to industry, agriculture, and commerce of the Nation.

The above-named association, a corporation not for profit, made a pro-forma application to the Reconstruction Finance Corporation for a loan for the construction of the canal as a self-liquidating project. This pro-forma application proposed that the loan be made to such appropriate public corporation or agency as the Reconstruction Finance Corporation might direct.

By an act of the Legislature of the State of Florida, approved May 12, 1933, there was created the Ship Canal Authority of the State of Florida with powers and duties appropriate to cooperation with the Federal Government in the construction of such a waterway. This authority then became the applicant for the loan before the Reconstruction Finance Corporation, replacing the national association.

In June 1933 the special board of survey of the Corps of Engineers made a preliminary report to the Chief of Engineers. At this date the board had completed the gathering of the greater part of its physical data upon which the cost of the project might be developed.

No action on the application was taken by the Reconstruction Finance Corporation; and in or about August 1933 the application, together with all other applications of this class, was transferred by Executive order to the Public Works Administration.

The engineering division of the Public Works Administration made a thorough examination of the project, assuming the basic physical data obtained by the Special Board of Survey of the Corps of Engineers, but developing its own plans, specifications, and unit construction costs, and supplementing by its own examination the economic survey which was being carried out by the special board. Under date of October 19, 1933, a report on the project was made by the Public Works Administration engineers. This report found that the estimated cost of a lock canal, according to the plans of the Public Works Administration engineers, would be $115,000,000, and that the direct benefits resulting from a canal would be upward of $8,524,000 per year; that in addition to the direct benefits there would be additional benefits of $2,004,000 per year; and that the cash tolls which might reasonably be expected to be collected would be $6,500,000 per year. The conclusions reached in that report are quoted as follows:

"It is concluded that the project covered herein constitutes a public necessity and is of real social value. The project will afford much employment to many classes of skilled and unskilled labor; that the design is in accord with sound engineering practice, and that the project is economically sound. It is recommended that the loan with or without the grant be made."

On December 30, 1933, the Special Board of Survey of the Corps of Engineers completed its work and made its final report. The examination made by the special board included an exhaustive economic survey made by the Department of Commerce at the request of the Chief of Engineers. That report was based upon examination of the project as a river and harbor project, without reference to its self-liquidating possibilities. Its findings with regard to traffic which might be served by the canal, and the general benefits to commerce were in substantial agreement with the findings of the engineers of the Public Works Administration; but owing to different design and specifications and unit costs, the lock canal covered by that report showed an estimated cost at considerable variance with the costs developed by the engineers of the Public Works Administration.

In the first part of 1934, in response to a request made by all the Senators of the States of Texas, Louisiana, Mississippi, Alabama, and Florida, the President constituted and appointed a board of review, which consisted of two Army engineers designated by the Secretary of War, two engineers designated by the Administrator of Public Works, and one engineer from civil life designated by the other four. The personnel of this board was as follows:

For the War Department: Lt. Col. Warren T. Hannum, Corps of Engineers; Maj. Brehon B. Somervell, Corps of Engineers.

For the Public Works Administration: Clarence McDonough, chief engineer; Frederick Fowler, consulting engineer.

Fifth member of the board and chairman: Walter J. Douglas, of New York City.

This board of review was instructed to study and examine the reports of the special board of survey and the Public Works Administration, and to make such further examination and study as it might deem appropriate.

On June 28, 1934, this board made a report to the President, recommending the construction of a sea-level canal and estimated its cost at $142,700,000, exclusive of land for right-of-way and interest during construction. The board further recommended the deepening of the canal to 35 feet when the traffic shall justify it. The board further found that, based upon the economic survey of the special board of survey of the Corps of Engineers, such a sea-level canal would be economically justified, on a 4-percent basis, up to a cost of $160,000,000.

Subsequent to this report, the President directed the board of review to make an examination of the project with a view to determining whether it could be constructed as a self-liquidating project upon the basis of tolls which might be collected from shipping.

Under date of September 15, 1934, the board reported adversely on this aspect of the project.

On January 29, 1935, acting upon a memorandum of the Chief Engineer of the Public Works Administration, citing the recommendation for a sea-level canal made by the board of review and the estimated cost of $142,700,000, the Administrator of Public Works disapproved the application for a loan to the Ship Canal Authority of the State of Florida for a lock canal. This disapproval was without reference to the economic justification of the project as determined by the criteria ordinarily applied to river and harbor projects, and without reference to the recommendation of the board of review and its findings that a 30-foot sea-level canal is economically justified up to a cost of $160,000,000, that recommendation remaining as the final and approving official finding with reference to the canal as a river and harbor project.

I quote from a letter under date of February 12, 1936, from Senator FLETCHER to Lt. Col. Brehon Somervell, member and recorder of the board of review, and Colonel Somervell's reply under date of February 12, 1936.

FEBRUARY 10, 1936.

Lt. Col. BREHON B. SOMERVELL,
Member and Recorder, Board of Review,
War Department, Washington, D. C.

MY DEAR COLONEL SOMERVELL: I have before me copy of the report of the board of review for the Florida canal under date of June 28, 1934. My understanding of this report is that the board recommended to the President a sea-level canal of 30-foot depth, and found that the cost of such a canal will be approximately $143,000,000, exclusive of land and interest during construction, and that the board found further that the project is justified by the criteria ordinarily applied to river and harbor projects at a cost of $160,000,000 or more.

I have also before me a supplementary report of this board which is responsive to a directive from the President that the project be examined with a view to its self-liquidating possibilities, and finding adversely on this aspect. I understand further that this latter finding has no reference to the board's first finding that the canal is justified on the total benefits when judged by the criteria ordinarily applied to river and harbor projects.

I am advised that you served as a member of this Board and were its recorder. As a member of the subcommittee of the Senate Committee on Commerce, which is examining Senate Resolution 210, providing for an inquiry into certain matters relating to this project, I shall appreciate your advising me as to whether my understanding of these reports as set forth above is a correct interpretation of the action of the board.

Sincerely yours,

DUNCAN U. FLETCHER.

WORKS PROGRESS ADMINISTRATION,
Washington, D. C., February 12, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I have your letter of February 10, 1936, in which you state that it is your understanding that the Board of Review appointed by the President to consider the Atlantic-Gulf Ship Canal found that the canal would be justified by the criteria

ordinarily applied to river and harbor projects at a cost of $160,000,000. You also state that it is your understanding that the second report of the Board had no reference to the Board's first finding in this regard.

You undoubtedly have reference to the following statement in the first report of the Board:

"This Board was not instructed to estimate the benefits accruing from the construction and operation of this canal. However, if it be assumed that the economic study made by the special Board of Army Engineers for a lock canal is sound, and considering the lower maintenance and operating costs of a sea-level canal, the cost of a canal which would be justified at 4 percent interest would be:

"Sea-level canal, 30-foot depth, $160,000,000."

The second report of the Board had to do with an investigation of tolls and had no reference to justification on the basis of total benefits.

Sincerely yours,

BREHON SOMERVELL,
Lieutenant Colonel, Corps of Engineers, Recorder.

On August 30, 1935, by virtue of authority vested in him under the Emergency Relief Appropriation Act of 1935, approved April 8, 1935, the President authorized the project and directed the Secretary of the Treasury to transfer to the War Department, Corps of Engineers, $5,000,000 of the funds provided in the above act, for the initiation of work.

On September 3, 1935, construction was begun under the direction of the Chief of Engineers, and is continuing at this time, with an average employment of approximately 5,000 men.

In his annual report for 1935 the Chief of Engineers made the following recommendation for this project. I quote from pages 620 and 621 of that report:

"Proposed operations: It is expected that work under contract on excavation of the high ground in the central sections of the canal will commence on or before October 28, 1935. Funds allotted will be applied as follows:

Clearing right-of-way	$500,000
Housing, shops, and minor structures	500,000
Excavation in central areas	3,500,000
Bridge foundations	500,000
Total	5,000,000

The additional sum of $31,000,000 can be profitably expended during the fiscal year 1936 as follows:

Equipment	$16,360,000
Housing, shops, and minor structures	750,000
Excavation	10,390,000
Bridges	1,500,000
Surveys	1,000,000
Contingencies	1,000,000
Total	31,000,000

It is further estimated that the sum of $26,000,000 can be profitably expended during the fiscal year 1937 as follows:

Excavation, wet and dry	$20,000,000
Bridges	2,500,000
Flood-control works	500,000
Gulf breakwater	1,000,000
Engineering and contingencies	2,000,000
Total	26,000,000

On October 22, 1935, in conformity with the conditions imposed by Federal authority, the six counties comprising the Florida ship canal navigation district voted by a majority of 27 to 1 a bond issue of $1,500,000 for the purchase of all necessary land for right-of-way for the canal. On January 23, 1936, the first block of $300,000 of these bonds was sold, and the proceeds employed to deliver to the Federal Government right-of-way for excavation in the central or cut section of the canal.

The foregoing is, in briefest form, the official record of the project. Before proceeding further, it appears appropriate to direct attention to the exhaustive nature and broad scope of the examinations and studies made of this project by the Federal agencies. I quote from a letter from the Chief of Engineers to Senator FLETCHER under date of January 28, 1936:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, January 28, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In your letter of January 23, 1926, you referred to Senate Resolution No. 210, with respect to the Atlantic-Gulf waterway and asked to be furnished with certain specific information.

I take pleasure in furnishing this information herewith:

1. You state that paragraph 1 of the resolution proposes an inquiry into "the nature and extent of expenditures to be made from emergency relief funds, and subsequent expenditures for construction and maintenance to be made from regular funds", and ask whether or not, in my opinion, there has been sufficient competent survey, examination, and study of this project to determine its construction and maintenance cost with the same degree of accuracy as in the case of other river and harbor improvements in general heretofore approved and constructed. The investigations undertaken by this Department with respect to the Atlantic-Gulf waterway have been as exhaustive and detailed as those normally undertaken in connection with the preliminary examinations and surveys of river and harbor projects. This Department has realized from the inception of this examination that the magnitude of the project required a comprehensive study, and its investigations undertaken over a period of 6 years were conducted in scope and detail sufficient to establish construction costs with reasonable accuracy. The estimated cost of maintenance, which must be based in large part on the experience gained from the maintenance of the many river and harbor projects throughout the country, would also appear to be dependable.

2. You refer to paragraph 2 of the resolution, which proposes an inquiry into "the sufficiency of plans and information to determine whether the canal should be a sea level or a lock canal, and whether it should be 30 or 35 feet in depth", and asked if I believe that there has been gathered a sufficiency of such plans and information to determine whether the canal should be a sea level or a lock canal, and whether it should be 30 or 35 feet in depth. The data before the Department indicate rather clearly that the effects of the sea-level canal on the underground water supply of the State will not be of a widespread and serious nature. Consequently, there is no necessity for the construction of a lock canal at an increase in construction cost and in operating time over a sea-level canal. The information gathered by the Department shows that a depth of 30 feet will suffice for practically all vessels now engaged in the Gulf trade, or likely to be engaged in that trade for some time in the future.

3. You refer to paragraph 3 of the resolution, which proposes an inquiry into "the sufficiency of authentic information to determine whether the canal will contaminate the ground water supply of the adjacent areas", and asked if, in my opinion, a sufficiency of information with respect to underground water supply has been gathered to make a determination of the effect of the canal on such supply. This Department, in its investigations of the canal, has utilized the services of expert geologists and water engineers. A special board of review, formed pursuant to instructions from the President, also had the services of a competent water engineer. The preliminary data gathered by the Department indicated that there was some possibility of adverse effects on the underground water supply. The more detailed information which is now available clearly indicates that the adverse effects are largely local and not of a serious nature. When the project was placed under way as a part of the relief program, I had the district engineer at Ocala, Fla., assemble a board of selected experts to consider the data gathered by the two boards, the State geological department and the Geological Survey, and to undertake additional and exhaustive field investigations. These experts have recently submitted their interim report, which definitely concludes that the effects of the sea-level canal on the underground water supply will not be serious but local in nature and capable of control with reasonable expenditures for remedial works. The authentic information available permits the conclusion that the sea-level canal will not contaminate the underground water supply of adjacent areas.

4. You refer to paragraph 4 of the resolution which proposes an inquiry into "the nature and extent of the available traffic to warrant the ultimate expenditure of between $140,000,000 and $200,000,000", and asked if a sufficient investigation and examination has been made and data compiled to enable a decision as to the amount of cost of the project which available traffic will justify. The Special Board of Engineers had available data compiled by the Department of Commerce. In addition, they made a detailed study to determine the economic benefits to transportation which would result from the construction of the canal. While this information and data have not been reviewed in detail by the Board of Engineers for Rivers and Harbors, it is most complete and adequate for a full determination of the estimated value of the benefits to navigation which will result from its construction.

5. You refer to my appearance before the subcommittee of the Committee on Commerce on January 17, in which certain questions were asked with respect to the replies received from shipping concerns to a questionnaire sent out by the Special Board of this Department in connection with their investigation, and asked if these letters were used to establish the economic justification of the project, and further as to the usual factors which are studied in determining economic justification. This Department has not stated that the replies to these questionnaires represented the economic justification for the canal project, nor are such letters generally used for the establishment of economic justification. The Special Board of Army Engineers made an extensive economic survey, and was aided in the preparation of its report by an independent survey undertaken by the Department of Commerce at the request of the Chief of Engineers.

The determinations of the special board with respect to the economic benefits of the project were based in large part on these surveys. The letters to which you refer are some of the replies to questionnaires addressed by the special board to shipping concerns, so that it might be informed as to their opinions with respect to the effect of the project on the individual interests of the companies concerned. In determining the economic justification of a proposed river and harbor improvement, the investigating officers ascertain the definite savings in time and distance which will be made available to navigation without increased hazards as a result of the improvement in question. These savings in time and distance converted into monetary savings and such other incidental benefits as clearly accrue to water-borne commerce and the general public interest, such as a reduction in the hazards of navigation, form the basis for the determination of the economic jus-

tification of a project. The views of navigation and commercial interests as to the effect which the proposed improvement may have on their operations are an aid to the board in weighing the public value of the savings and benefits as determined by the board.

I trust that the information contained herein answers the specific questions propounded in your letter. I shall be pleased to furnish any further information desired on request.

Very truly yours,

E. M. MARKHAM,
Major General, Chief of Engineers.

Attention is invited to a recapitulation of the record as regards the findings of the several examining agencies, with regard to cost and economic justification. In the first place, it should be borne in mind that the engineers of the Public Works Administration and the special board of survey of the Corps of Engineers developed their cost estimates from plans and specifications for a lock canal which varied in many important details. For instance, the engineers of the Public Works Administration planned a canal with two locks while the special board of survey considered a canal with three locks. Other important differences in plan and specifications make the estimates of total costs of these two examining agencies incommensurate. Again, the board of review developed its cost estimate from plans and specifications for a sea-level canal. As these board of review plans and specifications and cost estimate of $142,700,000 have been approved by the Chief of Engineers, these elements of the project may be considered as definitely determined. It remains to consider the benefits found by the examining agencies, and to apply these benefits to the cost of the project. The method for determining the economic justification of a river and harbor project established and followed by the Corps of Engineers is as follows:

The direct benefits to commerce are determined as accurately as possible in terms of dollars and cents per year. From these direct benefits are deducted the annual cost of maintenance and operation of the improvement, and, in the case of a certain class of structures which are subject to depreciation, an additional annual amount is deducted to amortize such structures over a reasonable period of time. The net remainder of benefits, when capitalized at 3 percent, should exceed the estimated cost of the project, if it is economically justified. Sometimes, when the whole project is subject to depreciation, the net annual benefits are capitalized at 4 percent in lieu of charging amortization. In the case of the canal under discussion, the only structures which are subject to depreciation are two small water-control works and certain bridges, the cost of which is less than 2½ percent of the total cost of the project. With this explanation, the essential conclusions which may be drawn from the findings and figures of the board of review are the following:

(1) On the basis of the methods customarily used by the Board of Engineers for Rivers and Harbors to determine the economic justification of a project, the Florida ship canal is justified by a wide margin. These methods are analogous to those used in commercial practice for work of a similar character.

(2) Not only would the benefits to shipping exceed by a wide margin maintenance and operating costs and interest at the current rates as required by the Board of Engineers but in approximately 32 years they would, in addition, more than amortize the original cost of the work plus interest during construction.

(3) The return from tolls considered by the board of review is no longer an issue as the route is being opened as a free canal, as are the other waterways of the United States.

On work of the nature of the canal, which includes but a small percentage of items subject to depreciation (less than 2½ percent), the Board of Engineers requires that estimated annual benefits exceed by a safe margin estimated maintenance and operating charges and interest at current rates. These rates are now less than 3 percent.

In the case of the Florida ship canal, the board of review's report of June 28, 1935, finds with the Army special board of survey annual benefits of approximately $8,200,000, which, even on a 4-percent basis, allowing for amortization, the board found would justify a cost up to $160,000,000, or $17,000,000 above the actual estimated cost. It will be recalled that the engineers of the Public Works Administration reported annual benefits above $10,500,000. The figure of the special board of survey of the Army is therefore the more conservative.

Following the method of the Board for Rivers and Harbors of the Corps of Engineers, we have, then, the following basis of justification for the Florida canal, using the benefits determined by the Army special board of survey and the cost estimate approved by the Chief of Engineers.

Annual benefits		$8,200,000
Cost, without interest during construction	$143,000,000	
Interest during construction, at 3 percent	12,870,000	
Total first cost	155,870,000	
Annual interest charges on $155,870,000, at 3 percent	4,676,000	
Annual maintenance and operation expense	601,000	
Total annual costs		5,277,000
Net annual benefits		2,923,000

This amount, at 3 percent, will amortize the entire cost of the project in approximately 32 years. If capitalized at 3 percent, it shows a margin over the cost of construction of $99,000,000. In other words, on the basis used by the Board for Rivers and Harbors of the Corps of Engineers, the project shows that it will pay in direct benefits sufficient to meet all interest, operation, and maintenance charges, and repay its entire cost, including interest during construction, in approximately 32 years. It is therefore not only economically justified, but is in a highly preferred class of projects. This becomes even more apparent when the ratio of cost to benefits of the project is compared with the ratios of cost and benefits of other meritorious authorized projects. The following is a list of the most outstanding of these:

Name of project	Ratio of cost to benefits	Rank according to ratio
Florida Canal	1 to 1.6	First.
Delaware River to Philadelphia and to Trenton	1 to 1.3	Second.
New York–New Jersey channels	1 to 1.2	Third.
Chesapeake and Delaware Canal	1 to 1	Fourth.
Beaver–Mahoning Canal	do	Do.
Cape Cod Canal	do	Do.

The soundness of the above conclusions is enhanced by the fact that the figures do not include any benefits resulting from stimulation of commerce and shipping; adjustment of freight rates and mail subsidies; reduction in hazards to shipping during hurricane season; increased earning power of ships due to the shorter time required to make the voyage; and the very real value of the project as a factor in the national defense.

It seems appropriate to direct attention to both the support and the opposition which have been offered to this project. The record shows that it is formally opposed by the Atlantic Coast Line Railroad, the Florida East Coast Railway, the Seaboard Air Line Railway, and the Southern Railway. The record also shows that it is opposed by the Chamber of Commerce of the city of Tampa, the city of Orlando, and by certain other civic organizations in the State of Florida The record further shows that both the city of Tampa and the city of Orlando have petitioned the Corps of Engineers to make a survey with a view to constructing a canal along a route which would lie adjacent to those two cities, respectively

In support of the project, there are in the official record resolutions of the Mississippi Valley Association, the Atlantic Deeper Waterways Association, the National Rivers and Harbors Congress, the Texas and Louisiana Intracoatal Waterway Association; the Legislature of the State of Florida, and numerous commercial and civic organizations from various parts of the country.

I quote from a resolution of the Mississippi Valley Association in convention at St. Louis, November 27, 1935:

"We recommend * * * the Gulf-Atlantic Ship Canal now under construction, and its completion, under the schedules laid down by the Chief of Engineers."

Again, I quote from a resolution of the Atlantic Deeper Waterways Association in convention at Boston, October 7, 1935:

"This association has for many years urged the construction of a canal across Florida, and we are gratified that the Federal Government, through the Army Engineers, has begun work on a ship canal which will not only serve ocean commerce but will provide a connecting link between the Intracoastal Waterways of the Atlantic and the Gulf of Mexico. We recommend the further allocation of funds for the completion of this project, the benefits of which will be Nation-wide."

Again, I quote a letter under date of February 12, 1935, to Senator FLETCHER, from the National Rivers and Harbors Congress, signed by its president, Frank Reid:

NATIONAL RIVERS AND HARBORS CONGRESS,
Washington, D. C., February 12, 1936.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SENATOR FLETCHER: At its thirtieth annual convention held in Washington, D. C., May 2–3, 1935, the National Rivers and Harbors Congress, upon the recommendation of its projects committee, voted unanimously to endorse the Gulf-Atlantic Ship Canal across Florida as being sound, needful, and sufficiently advanced in status, and a project that should be promptly constructed in the public interest.

The projects committee of the Congress is composed of an outstanding waterway leader from each of the 10 engineering divisions of the United States, and gave careful consideration to this project at open hearings. The committee itself voted unanimously to recommend approval of the Florida canal, and its report was adopted without a dissenting vote by the convention composed of delegates from 40 States, the District of Columbia, Alaska, and Puerto Rico, representing the Federal Government, States, cities, counties, State, municipal, and local governmental agencies, chambers of commerce, waterway associations, agricultural, labor, industrial, and trade organizations throughout the Nation.

This project will strengthen the national defense, provide a permanent investment which will increase the national wealth, greatly benefit industry, agriculture, commerce, and labor, and afford protection to human life and property from the menace of the tropical hurricanes that visit the Florida Peninsula.

From my own personal examination of the project, I am convinced that it is one of the most meritorious waterway projects ever undertaken by the Government, and that the expressed fears of its ill effects are groundless. I hope the Senate Committee on Commerce will not be misled by the insidious campaign to discredit and destroy our national waterways.

Very truly yours,

FRANK R. REID,
President, National Rivers and Harbors Congress.

In addition to these, approval of the project has been formally expressed by 70 Members of the United States Senate and the Governors of 36 States, representing all of the major political parties.

Evidence has been presented in the form of letters from ship-operating concerns which indicates a lack of interest in or hostility to the project on the part of those particular companies. It seems appropriate to call attention to certain considerations which necessarily govern the evaluation of this kind of testimony.

Long-established and universally accepted custom has determined that the highest authority on questions of hazards to inland navigation, and the safe dimensions and conditions for harbors and inland waterways, is the Corps of Engineers; and the highest authority for sailing routes and for questions of time and distance is the Bureau of Navigation. When these two agencies unite in determining that a given route for navigation will be adequate and safe, and will require certain times and distances to be covered, it may be reasonably concluded that these determinations are correct. In the case of the present project, the Army Engineers and the Bureau of Navigation have determined that it will be adequate and safe for navigation, and that it will effect certain savings of time and distance. These savings in time and distance may be, and have been, translated, with reasonable accuracy, into dollars and cents. When a ship operator states that he will not avail himself of these savings, he may be presumed, in the absence of evidence to the contrary, to be telling the truth. But when he denies the time and distance savings determined by these agencies, it is fair to assume that he is in error. Since the immemorial tendency of trade and navigation has been to take advantage of every factor which might increase profit, it would appear that when a ship operator states that he will not avail himself of such factors, they are probably overbalanced by other factors, not necessarily apparent, which apply to the interests of that particular operator. For these reasons, expressions, either favorable or adverse to a project of this kind, from ship-operating concerns, can only be taken as a guide to the individual interest of those concerns, respectively, and cannot be made the basis for determining whether or not commerce in general will avail itself of the improvement or, for that matter, whether all commerce would not use the improvement once it came into existence, regardless of their preference for or satisfaction with the status quo. It is of record that there was a very considerable body of adverse opinion among ship operators with regard to all the great canals of the world prior to their construction, and it is also of record that, with unimportant exceptions, commerce in general promptly availed itself of these new routes when opened.

Ship-operating concerns may be divided into a number of classes, which include the following:

(1) Those operators whose Gulf-Altantic shipping is secondary to some other phase of their business. Many companies falling within this group have interlocking directorates and ownerships in other business which do not show on the surface and can only be determined after an elaborate analysis of the holdings of these companies.

(2) Those operators who hold mail-subsidy contracts from the United States Government. While the rate of pay by the Government varies, nevertheless the general principle is to subsidize the American-flag vessel so that it may compete with the cheaper-operated foreign vessel in the same trade. Today's subsidy to the mail vessels in the Gulf trade is approximately $2.50 per outbound mile. Further, the contract stipulates that the vessel is paid on the shortest available route. Therefore, it is obvious that by construction of the Florida canal the route would be shortened and the pay to these ships would be reduced by $2.50 per mile for each outbound mile so shortened. In the case of some operators this item becomes considerable because of the many ships operated by them. However, it must be remembered that the reduction of this mail pay by shortening the route is a direct saving to the United States, and the canal should be credited with this saving. At the same time, no injustice will be done to the ship operator, providing the original theory of determining the mail pay on a mileage basis is correct, because the reduced pay for reduced mileage will still leave the American and foreign ship on the same parity. However, it may be that the mail ship prefers to collect from the Government and run the extra mileage at Government expense.

(3) Those operators whose business it is to charter their ships: These companies operate mainly in the tanker trade and own no product to carry in their own bottoms. They are, therefore, dependent upon a shortage of vessels to create a demand for their ships. They, therefore, cannot view any facility which tends to bring the Atlantic seaboard and the Gulf coast closer together as a benefit to their business.

Further than this, there is an almost universal feeling among operators in the Gulf-Atlantic run that they are in a trading position. In other words, if the canal is constructed, they desire to have accrue to them the largest possible share of the benefits. This thought may be reflected in three ways: First, by a desire that the canal be toll-free, in order that the entire savings will accrue to them; second, by a desire not to see the principle of tolls established for the use of any waterway within the United States; third, by a desire that if tolls are charged they be as low as possible, in order that their share of the increased savings will be a maximum.

Again, some operators feel that competition will force most of the savings to be passed on to the producers and consumers of the Nation. While this is really an argument in favor of the canal, it nevertheless results in a trading attitude on the part of the operators.

This becomes increasingly clear when the exact wording of the original questionnaire sent out by the War Department is considered. I quote from that letter to all shipping concerns, under date of May 9, 1933:

"It will be appreciated if you will review the data presented herewith and express your views as to the necessity for or desirability of this project in the interests of navigation and marine commerce, presenting any information of unusual importance that may be in your possession and stating briefly the manner in which it would affect your individual interests, assuming that the construction of the canal would be handled by the War Department as a regular river and harbor project, approved by Congress, and operated (a) toll free after completion, and (b) on a toll basis, as a self-liquidating project."

It appears entirely probable that, knowing whatever benefits it might admit could be used against itself, should it wish to contest the toll rate established on the canal, every company so addressed would tend to minimize those benefits which may be translated into dollars and cents.

However, there are in the record, in addition to the letters from ship operators mentioned as being uninterested in or hostile to the project, certain other letters which are interested in and favorable to the project. I quote from a number of such, as follows:

From the Mystic Steamship Co., Boston, Mass., under date of May 22, 1933, signed by F. B. Craven, manager, marine department:

"We are inclined to believe in a general way that the proposition would be quite interesting to us and should appreciate an opportunity at a later date to more fully express our reactions. We assume at that time that you will be in a position to give us a more detailed picture of all characteristics of the canal and particulars relating thereto."

From the Sinclair Navigation Co., 45 Nassau Street, New York City, under date of May 15, 1933, signed by J. G. Johnson, vice president:

"Reviewing our company operations and allowing 36 hours for one transit of canal, the estimated time saved via canal as compared to present route would be approximately 3,000 hours per annum for all vessels. On present freight rates this would represent to our company a saving of about $74,000 per year. This is based on about 130 trips, equal to 260 transits.

"As to the necessity for or desirability of this project in the interest of navigation and marine commerce, the estimated savings, in our opinion, would not permit of the canal being operated on a toll basis as a self-liquidating project. If the canal were constructed by the War Department as a regular river and harbor project and operated toll free, there would be a saving to marine commerce."

From the Continental Steamship Co., P. O. box 1637, Baltimore, Md., under date of May 15, 1933, signed by I. C. Stocksdale, manager:

"At the present time this company has two tankers operating from Baltimore to Aransas Pass (Corpus Christi). It is estimated that such a canal would save on each passage 19 hours' time and $350 in operating cost if the canal were operated free. If on a toll basis, the tolls would have to be less than that amount to make the use of the canal attractive."

From the Hartwelson Steamship Co., 10 Post Office Square, Boston, Mass., under date of May 20, 1933, signed by Capt. E. Boranger:

"The following are only a few facts regarding the proposed trans-Florida canal:

"Distance saved from the Atlantic side of the trans-Florida canal to Galveston would be 347 miles each way. Distances from or to any other Gulf ports accordingly. Bound toward Galveston with a 10-knot ship, bucking the Gulf stream around Florida Keys would consume approximately 38 hours' more time than through the proposed canal. Returning from Galveston to the Atlantic side of the canal via Florida Keys would consume approximately 33 hours' more time than through the canal route.

"May I state that the trans-Florida canal route, besides being a great saving of time and expense to shipowners, would be an effective means of avoiding the destructive hurricanes raging around the Florida Keys from June to October each year, with their attending loss of life and property.

"Thanks and best of luck to the United States engineers and all concerned in this splendid piece of important waterway engineering."

From the Ford Motor Co., 3674 Schaefer Road, Dearborn, Mich., under date of May 15, 1933, signed by O. A. Johnson, marine department:

"We are not at the present time nor neither do we expect to in the near future operate any service which would utilize this proposal. However, we think the project a very worthy one and feel that it would effect a very substantial saving to steamship operations between the North Atlantic ports and the Gulf. There is no doubt but what it would effect a saving of approximately 2 days' transit time on the type of ships that we operate between New York

and New Orleans or Houston. It is possible that at a later date we may reenter the Gulf service, in which case this canal would prove advantageous to us."

From the Gulf Refining Co., Charles R. Buerger, vice president, 17 Battery Place, New York City, under date of May 24, 1933, signed by James Kennedy, general manager:

"Based upon a 10-knot ship and the distances appearing on the outline map accompanying your letter, there would be a net saving of about 25 hours per trip, or about 50 hours per voyage, which is equivalent to a cash-outlay saving of about $208,550 per annum, and the total saving in time becomes approximately 546 days per annum.

"We believe, however, that you have overestimated the speed at which transit can be effected and that 5 miles per hour would constitute very good progress, having in mind delays due to locks, bridges, fog, and other unforeseen circumstances, and on this basis the saving would be about 28 hours per voyage as against the 50-hour estimate based on your forecast."

From the Pennsylvania Shipping Co., 260 South Broad Street, Philadelphia, Pa., under date of May 24, 1933, signed by J. H. Pelly:

"If the above-contemplated canal across Florida is built, its use would cause a saving of approximately 1 day each way on a round voyage of a steamer from Gulf loading ports to discharging ports north of Hatteras. Estimating the round trip to require approximately 16 days' steaming, the saving on a voyage in steaming time would be 2 days, or 12½ percent of the operating cost for a round trip.

"This would be quite an item, and if the canal were free of tolls no doubt a large number of vessels would use the canal."

From the Newtex Steamship Corporation, pier 23, North River, New York City, under date of May 23, 1933, signed by D. A. Moloney, president:

"In the coastwise trade, due to the keen competition and the low freight rates, it would be necessary to either have a free canal, or at the most a nominal charge per net ton, not to exceed, say, 5 cents per net ton for one transit of the canal. This can be readily seen, when I tell you that the current revenue on cargo carried in this coastwise trade does not exceed $5 per ton, for a voyage of approximately 2,000 miles; and standard commodities such as flour, rice, paper, etc., are carried 2,000 miles for an average of $3 to $3.50 per ton.

"It would, therefore, appear that it would be an encouragement to coastwise shipping if the canal were operated as a toll-free proposition."

From the Kellogg Steamship Corporation, 17 Battery Place, New York City, under date of May 20, 1933, signed by R. A. Murphy, treasurer:

"We are very much interested in the proposed trans-Florida ship canal outlined in your letter of May 9, 1933, and the enclosed map of one of the suggested locations.

"As we see it, this canal would make possible a saving for our vessels of about 1 day's steaming time in each direction between Atlantic and Gulf ports. Our vessels do not operate regularly in this trade, but have been making a substantial number of voyages a year, which would benefit from the proposed canal.

"In our opinion, the possible saving, the value of which varies with existing conditions, is not sufficient to warrant the imposition of tolls. We would, therefore, endorse the project if the canal be made toll free after completion."

That such testimony cannot safely be, and is not, used as a guide to the economic justification of such a project is clearly stated by the Chief of Engineers as follows: I quote from exhibit F-1a, which has been introduced into the record.

"You refer to my appearance before the subcommittee of the Committee on Commerce on January 17, in which certain questions were asked with respect to the replies received from shipping concerns to a questionnaire sent out by the special board of this Department in connection with their investigation, and asked if these letters were used to establish the economic justification of the project, and further as to the usual factors which are studied in determining economic justification. This Department has not stated that the replies to these questionnaires represented the economic justification for the canal project, nor are such letters generally used for the establishment of economic justification. The Special Board of Army Engineers made an extensive economic survey, and was aided in the preparation of its report by an independent survey undertaken by the Department of Commerce at the request of the Chief of Engineers. The determinations of the special board with respect to the economic benefits of the project were based in large part on these surveys. The letters to which you refer are some of the replies to questionnaires addressed by the special board to shipping concerns, so that it might be informed as to their opinions with respect to the effect of the project on the individual interests of the companies concerned. In determining the economic justification of a proposed river and harbor improvement, the investigating officers ascertain the definite savings in time and distance which will be made available to navigation without increased hazards as a result of the improvement in question. These savings in time and distance converted into monetary savings and such other incidental benefits as clearly accrue to water-borne commerce and the general public interest, such as a reduction in the hazards of navigation, form the basis for the determination of the economic justification of a project. The views of navigation and commercial interests as to the effect which the proposed improvement may have on their operations are an aid to the Board in weighing the public value of the savings and benefits as determined by the Board."

Likewise the statement of Prof. Emory Johnson, Special Commissioner for the Panama Canal. I quote from a letter from Professor Johnson to Senator FLETCHER, under date of February 8, 1935 [reading]:

"As to the method to be followed in deciding what use will be made of a proposed canal, the only way to do is to do what was done in estimating the probable traffic of the Panama Canal and what was done by those who measured the tonnage of shipping that would use a trans-Florida canal, i. e., to make up a record of actual vessel movements for a year over routes for which the proposed waterway would provide a shorter route, to calculate the saving that the vessels so recorded could have made by using the proposed canal, and then to credit to the tonnage of probable canal traffic the tonnage that would result from shifting to the canal route such vessel movements as could be made more safely and more economically via the canal. It may be safely assumed that companies owning vessels will have them operated by the most advantageous and economical route."

In addition to the above, there is the affirmative evidence of the use of the canal by shipping contained in the formal findings of the Corps of Engineers, the Public Works Administration, the Department of Commerce, and the Board of Review.

There remains the consideration as to the possible effect which the construction of a sea-level canal along the route selected might have upon the underground fresh-water supply of Florida. Questions involved in this consideration are highly technical and highly specific. It should be borne in mind that there is no record of any specific survey or investigation of this problem by any competent individual or group, except a group of experts which have been and are conducting this inquiry under the direction of the Chief of Engineers.

There has apparently arisen in the minds of many people an impression that the Florida State Geological Survey or the Federal Geological Survey has made special surveys of this phase of the project and has rendered reports upon the same.

The facts are that a careful and comprehensive survey has been conducted by competent experts under the direction of the Chief of Engineers, but by no others, and this group of experts has rendered an opinion, approved by the Chief of Engineers, to the effect that damage to the underground water supply which may be caused by the canal will be local and will be limited to the possible lowering of water in wells adjacent to the route of the canal; and that agriculture will be entirely unaffected.

The record appears to be as follows: The Special Board of Survey of the Corps of Engineers made a careful study of this question and concluded that the data and information gathered and studied by them was inconclusive; and, according to the statement of the Chief of Engineers, they adopted a lock type of canal as a precautionary measure.

The board of review continued the studies initiated by the special board of survey and reviewed all of the evidence, including both published and unpublished data gathered by itself, the Geological Survey, and others.

In its report of June 28, 1934, the board of review found—I quote:

"Any possible damage to agriculture beyond the limits of the right-of-way to be secured for the canal would be negligible, due to the fact that the water table is now from 30 to 70 feet below the ground along the route of the canal and for miles on either side of it. The damage to water supply would be small and would consist only in lowering levels in nearby wells. The possibility of salting the water supply at high level would be eliminated."

Under date of June 15, 1935, in a letter addressed to Mr. W. F. Coachman, Jr., the Florida State geologist—this is the report, I think, to which you refer—stated that if the ground-water table in central Florida were to be lowered to a profound extent by a sea-level canal, the consequences would very seriously affect the ground-water supply of that part of Florida. It will be noted that the State geologist did not say that the construction of a sea-level canal would lower the water table profoundly, but confined his opinion as to the results upon the underground water supply if the water table should be profoundly lowered. The record does not show that at any time the State geologist has expressed a formal opinion to the effect that a sea-level canal would necessarily profoundly lower the water table in central Florida.

Under date of June 25, 1935, the State geologist, in a letter to Mr. Coachman, restates his attitude in the following words. I quote:

"It was not my purpose to condemn a sea-level canal, provided the construction plans are adequate to maintain the adjacent ground-water level at approximately 40 feet above sea."

Under date of August 26, 1935, the personal assistant to the Secretary of the Interior, Mr. Harry Slattery, in a letter to Hon. J. Hardin Peterson, stated that in the opinion of the Geological Survey:

"There appears to be no reasonable doubt that serious adverse effects would be produced upon the important underground water supplies of the Ocala limestone in a wide zone extending outward from the canal line by the construction of a sea-level canal along 13-B.

"The particular dangers herein discussed apply to a sea-level canal only and not to a lock canal so constructed as to avoid deep cuts in the Ocala limestone and thus to leave undisturbed the present water level in this important water-bearing formation."

Under date of February 13, 1936, Senator FLETCHER addressed a letter to the Secretary of the Interior to which the Secretary of

the Interior replied under date of February 18, 1936. I quote both letters in full.

This is a letter dated February 13, 1936, from Senator FLETCHER to the Secretary of the Interior in reference to the letter of Mr. Slattery.

FEBRUARY 13, 1936.

Hon. HAROLD L. ICKES,
Secretary of the Interior, Washington, D. C.

MY DEAR MR. SECRETARY: In reference to the letter of Mr. Slattery dated August 26, 1935, addressed to Representative J. HARDIN PETERSON, in which he refers to an opinion of the Geological Survey to the effect that the construction of a sea-level canal across Florida might seriously damage the underground water supply of the State, the impression seems to obtain in the minds of some people that the Geological Survey made a special survey and investigation of this specific question and has issued a report giving its findings.

So far as I am able to determine from an examination of the records of the survey, no such specific survey was ever made by the Geological Survey, nor was any final or formal report ever made by it on this question, and the opinion referred to in Mr. Slattery's letter to Mr. PETERSON was preliminary and informal and based upon the general data on the geology and water supply of Florida theretofore collected and cannot be considered as a final or formal report of the survey.

I also understand that the Geological Survey has made available to the War Department its applicable data on this subject, both published and unpublished.

I shall appreciate it if you will advise me as to whether my understanding of this matter, as set forth above, is correct.

Very respectfully and sincerely yours,

DUNCAN U. FLETCHER.

The Secretary of the Interior replied to that letter under date of February 18, 1936, as follows:

"MY DEAR SENATOR FLETCHER: I have your letter of February 13 in which in effect you request an interpretation of Mr. Slattery's letter of August 26, 1935, to Representative J. HARDIN PETERSON.

"The Geological Survey's information on the geology and underground waters of the peninsula of Florida is based on a series of studies made independently or in cooperation with the Florida State Geological Survey over a period of a quarter of a century. You have been supplied with copies of the later and more significant reports resulting from these studies.

"It is entirely true that the Survey has not specifically studied the particular question of the possible effects upon ground-water conditions of the trans-Florida canal. It is equally true, of course, that detailed studies of the geology of the State and of the relation of the ground waters to the geology throughout the State cannot fail to give a broad perspective on the whole problem, which affords a sound basis for at least certain general conclusions about the effects of any proposed alteration of natural conditions. The quotation of the Survey's opinion in Mr. Slattery's letter to Mr. PETERSON had this basis and this basis only.

"It is also entirely true that the Survey has made freely available to the War Department all information it has, published and unpublished, bearing upon the problem for the solution of which the War Department is responsible. This material included a manuscript on the Artesian Water in the Florida Peninsula, as yet unpublished. This manuscript constituted one of the reports in the series of six reports recently sent you. It is also clear from a reading of the preliminary report on the geological and ground-water conditions in Florida in their relation to the Atlantic-Gulf Ship Canal, issued by the War Department on December 18, 1935, that in the preparation of that report extensive use was made of this manuscript and of earlier reports by the United States Geological Survey and the Florida State Geological Survey.

"It would appear then that the understanding of the Geological Survey's relation to this problem, set forth in your letter of February 13, is substantially correct, except that it perhaps does not take full cognizance of the broad background of experience with ground-water problems and of knowledge of conditions in Florida that underlay the informal Survey opinion presented in Mr. Slattery's letter.

"Sincerely yours,

"HAROLD L. ICKES,
"Secretary of the Interior."

In September 1935, by direction of the Chief of Engineers, a special board of experts was constituted and appointed to continue the study of this question.

Under date of December 18, 1935, this board, after a most exhaustive reexamination of all existing data, and development of much new data, confirmed the findings of the board of review to the effect that the damage to the underground water supply resulting from the construction of a sea-level canal would be negligible.

Under date of December 28, 1935, in a letter transmitting the above report to Senator FLETCHER, the Acting Chief of Engineers states—I quote:

"The findings of the board at this time definitely indicate that no serious adverse effects on the underground water supply need be anticipated from the construction of a sea-level canal."

Under date of January 17, 1936, the Chief of Engineers stated before this committee his opinion that the rather generally expressed fears in central and southern Florida with regard to extensive damage to the water supply are wholly without foundation.

The above is a recitation of the record. Attention is again invited to the fact that no survey or special examination of this question has ever been undertaken by the Federal Geological Survey or by the Geological Survey of Florida or by any other public body except the Special Board of Survey of the Corps of Engineers; the board of review, comprising Army engineers, engineers of the Public Works Administration, and an eminent engineer from private life; and a special board of experts designated exclusively to examine into this matter by the Chief of Engineers. There is no formal report nor any formal expression of opinion in the record from any competent source that the construction of this canal at sea level will seriously affect the ground-water supply of any portion of the State of Florida.

In fact, there is only one expression, formal or informal, to this effect, and that is an avowedly informal opinion emanating from the Geological Survey and based upon general data and not upon specific examination of this question. On the other hand, all agencies of the Federal Government which have made specific studies of the matter are unanimous in their conclusions that construction of a canal at sea level would not be attended by any extensive damage to the water supply.

It may not be inappropriate to point out that the very history of this matter, as shown in the record recited here, indicates strikingly the inability of even expert geologists and engineers to form accurate conclusions from inadequate or general data on a highly technical and entirely specific problem such as that under discussion. The only competent opinion is that of duly qualified experts who were actually engaged in the examination and study of the specific physical situation involved. It would appear significant that all such competent opinion is unanimous in concluding that the construction of the canal at sea level cannot seriously adversely affect the underground water supply.

JACKSONVILLE, FLA., *March 17, 1936.*

Hon. DUNCAN U. FLETCHER,
Senate Office Building:

Re Senator VANDENBERG's assertion yesterday no scintilla evidence economic justification, would advise P. W. A. special engineering board reported project constitutes public necessity, real social value, affording much employment, many classes labor; design accords with sound engineering practice and project economically sound. This board reported potential revenues equal 100 percent construction costs for 30-foot depth; also reported many intangible benefits to shipping not susceptible evaluation or collection to apply against operating costs, fixed charges, and debt retirement. Special economic survey made by Federal Department of Commerce reported 9,573 potential ship transits 1931, with total benefits shipping exceeding $6,137,000, and additional benefits barge traffic exceeding $1,190,000. Chief of Engineers, United States Army, has been quoted that economic benefits fully justify cost $160,000,000. Presidential board review reported project physically and economically sound. With aid Government Shipping Board and Department Commerce, my firm made complete, unbiased survey commerce 1929, and found direct savings in vessel-operating costs exceeding $5,615,000, with additional potential savings in fixed charges and collateral benefits exceeding $6,000,000. Our report furnished Federal Engineer Department in 1931. Tampa, Orlando, Fort Pierce, and other Florida cities have previously endorsed project, provided route would run through their back yards. Certain shipping companies who have not definitely endorsed project and some who have opposed it route their ships through Kiel Canal, cutting Jutland Peninsula between Baltic and North Seas, in Europe, although Kiel Canal less capacious than proposed Florida Canal. Colonel Shutts' opinion, quoted by Senator VANDENBERG, south Florida may become another great American desert, completely refuted by special board of engineers and geologists employed by Government, and also by letters Florida State geologist. Ample economic justification exists for this project as regular river-harbor project under formulas heretofore used in justifying such projects.

GILBERT A. YOUNGBERG.

DEPORTATION OF ALIENS

During the delivery of Mr. FLETCHER's speech,

Mr. REYNOLDS. Mr. President, I do not desire to interfere with the subject now engaging the attention of the senior Senator from Florida [Mr. FLETCHER], but at the same time I should like to take this opportunity to present a resolution in which I am greatly interested, and if the Senator will be good enough to bear with me for a few minutes, I will present the resolution.

Mr. FLETCHER. Does the Senator merely desire to submit the resolution?

Mr. REYNOLDS. I should like to have the opportunity of reading the resolution while a number of the Members of the Senate are present, because I want them to hear it. The resolution (S. Res. 258) which I propose is as follows:

Whereas there are in excess of 2,600 aliens in the United States who are known to and allowed by the Department of Labor to remain in the United States, although subject to deportation; and

Whereas the Department of Labor is interested in and desires the enactment of legislation setting up an agency, composed of representatives of the Departments of Labor, State, and Justice, with authority to permit such aliens to remain in the United States; and

Whereas request has been made of the officials of the Department of Labor for the names of and available information relating to such deportable aliens; and

Whereas the said officials have refused to furnish such information; and

Whereas it is fitting, proper, and necessary that such information be furnished to the Members of the United States Senate in order that such legislation may be considered properly: Therefore, be it

Resolved, That the Secretary of Labor is requested to transmit to the Senate, as soon as practicable, a list containing the names of and available information relating to such aliens subject to deportation and permitted to remain in the United States.

Mr. President, I present this resolution because there is pending now before the Committee on Immigration of the Senate a bill referred to as the Kerr-Coolidge bill, which deals with the question of immigration and the deportation of aliens. A few days ago it was developed in testimony before the committee that there are now in the United States, under the direct supervision, so to speak, of the Bureau of Immigration and Naturalization, Department of Labor, 2,862 aliens; and at that time the Commissioner of Immigration and Naturalization very frankly admitted that at least a great majority of the aliens thus in this country, a large portion of whom are being supported by the taxpayers of this country, had entered the country illegally. For more than 2 years and 8 months the Department of Labor, without any authority whatsoever, has kept these aliens in this country, although they should have been deported many months ago, and the number has grown from something over a thousand a year ago to 2,862 at present.

I know that when this bill comes to the floor of the Senate for discussion by the Members of this body a bone of contention, and a very serious one, will be the question what to do with the 2,862 aliens. The point I make, by way of this resolution, is that the Members of the United States Senate will at that time be entitled to know the names and something about those 2,862 aliens who are subject to be deported now under the laws of our country. I ask that the Secretary of Labor be called upon to provide the Members of this body with a description of them.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. REYNOLDS. I am glad to yield to the Senator.

Mr. WALSH. I have understood that among the number of persons referred to by the Senator the Department of Labor has cited several meritorious cases in which, they say, possible hardship would justify the Department in not deporting the aliens, and I had understood that that information had been submitted to the committee of the House. Is that true or not?

Mr. REYNOLDS. I may state to the Senator, in answer to his question, that the Department has not submitted the original files of those cases to the committee of the House, but has merely submitted a brief outline of each case. I had a partial investigation made very hurriedly, and I was informed that in a great many of the cases the names of the individuals had not been given.

I wish to say to the Senator further, in answer to his inquiry in reference to the employment of the words "hardship cases", that there are many of them about which I have information and as to which I cannot possibly agree with those who submitted a report to the effect that they are hardship cases, or that they ought to be dealt with as hardship cases.

I merely desire to have the information presented to the Members of this body, in order that they may at least give some consideration to some of the cases, if not to all of them. I know, of course, that that would be impossible, in view of the great amount of work we have to do.

Mr. WALSH. Mr. President, may I make a further inquiry of the Senator?

Mr. REYNOLDS. Certainly.

Mr. FLETCHER. Mr. President, if this discussion is to continue, I shall have to demand the floor. How long will the discussion take? I had the floor.

Mr. WALSH. I had supposed the Senator from North Carolina had the floor.

Mr. FLETCHER. No; I yielded to enable the Senator to present a resolution.

Mr. WALSH. This is a very important subject, and I should like to interrogate the Senator from North Carolina further, if possible.

Mr. KING. Mr. President, I shall object to the consideration of the resolution at this time, but shall not object to its going to the Committee on Immigration. I do not think it is a proper resolution to be discussed at this time by the Senate. If the Senator will move to have it referred to the Committee on Immigration, I promise, although the chairman of the committee is not in the Chamber at the present time, that the committee will meet at any time convenient to the Senator.

Mr. REYNOLDS. Mr. President, I shall be glad to answer any inquiry the Senator from Massachusetts may have to make.

Mr. WALSH. If the Senator from Florida feels that the matter is trespassing unduly upon his time, I will not now interrupt.

Mr. REYNOLDS. Mr. President, I thank the Senator from Florida for his courtesy in permitting me to take the floor for the purpose of presenting my resolution.

The PRESIDING OFFICER. The resolution (S. Res. 258) submitted by the Senator from North Carolina [Mr. REYNOLDS] will be referred to the Committee on Immigration.

After the conclusion of Mr. FLETCHER's speech,

INDEPENDENT OFFICES APPROPRIATIONS—CONFERENCE REPORT

Mr. GLASS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1937, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, and 6, and agree to the same.

The committee of conference report in disagreement amendments numbered 7, 8, 9, 10, 11, and 12.

CARTER GLASS,
JAMES F. BYRNES,
FREDERICK HALE,
Managers on the part of the Senate.

C. A. WOODRUM,
JED JOHNSON,
EDWARD C. MORAN, Jr.,
JAMES M. FITZPATRICK,
R. B. WIGGLESWORTH,
Managers on the part of the House.

Mr. GLASS. I move that the Senate agree to the conference report.

Mr. KING. Mr. President, will the Senator from Virginia permit an inquiry?

Mr. GLASS. Certainly.

Mr. KING. What were the matters in controversy?

Mr. GLASS. There were no matters in controversy. The important matters were the appropriation of something over a billion dollars to pay the bonus and one of $440,000,000 to pay the farmers for soil conservation.

Mr. KING. Of course, the Senate conferees disagreed to those amendments?

Mr. GLASS. No; the Senate adopted the amendments, and therefore the Senate conferees agreed.

The PRESIDING OFFICER (Mr. BENSON in the chair). The question is on agreeing to the conference report.

The report was agreed to.

IMPROVEMENTS BETWEEN THE SHORE AND BULKHEAD LINES

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 3071) providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors.

Mr. COPELAND. I move that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. COPELAND, Mr. FLETCHER, and Mr. MCNARY conferees on the part of the Senate.

APPROPRIATIONS FOR THE TREASURY AND POST OFFICE DEPARTMENTS

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10919) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GLASS. I move that the Senate insist upon its amendments, ask for a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. STEIWER, and Mr. NORBECK conferees on the part of the Senate.

WAR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. FLETCHER].

Mr. COPELAND. Mr. President, may I ask if there are other Senators who wish to discuss the amendment? If not, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GEORGE in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Keyes	Pittman
Austin	Copeland	King	Pope
Bachman	Costigan	La Follette	Radcliffe
Bailey	Couzens	Lewis	Reynolds
Barkley	Davis	Logan	Robinson
Benson	Donahey	Lonergan	Russell
Bilbo	Duffy	McAdoo	Schwellenbach
Black	Fletcher	McGill	Sheppard
Bone	Frazier	McKellar	Shipstead
Borah	George	McNary	Smith
Brown	Gerry	Maloney	Steiwer
Bulkley	Gibson	Metcalf	Thomas, Utah
Bulow	Glass	Minton	Townsend
Burke	Guffey	Moore	Vandenberg
Byrd	Hale	Murphy	Van Nuys
Byrnes	Harrison	Murray	Wagner
Capper	Hatch	Neely	Walsh
Caraway	Hayden	Norbeck	Wheeler
Carey	Holt	Norris	White
Clark	Johnson	Overton	

Mr. LEWIS. I reannounce the absence of certain Senators and the causes therefor as given on a previous roll call.

The PRESIDING OFFICER. Seventy-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the amendment of the Senator from Florida [Mr. FLETCHER].

Mr. COPELAND. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VANDENBERG. Mr. President, I wish to make but a brief observation before the vote is taken. There are three minor projects attached to the amendment which have not been discussed and which are of relatively minor concern. There is an ample way for those three lesser projects to be cared for in the course of the session. On the one hand, they could be cared for, as a matter of fact, by a continuing Executive order and could be completed out of emergency funds. On the other hand, they could be cared for by the method recommended in the House committee report which passed specifically upon them.

The House committee report recognized the fact that the Sardis Reservoir and the Bluestone Reservoir have been favorably recommended by the Board of Rivers and Harbors Engineers, but the House committee insisted, and I am quoting now from their report, that—

> If for no other reason, the committee feels that the total ultimate cost involved is too great for it to recommend an appropriation for further prosecution of work upon such projects until they have run the usual gantlet of scrutiny by the Corps of Engineers, the legislative committees having jurisdiction of such matters, and the legislative bodies themselves.

The House committee then proceeded to say:

> The committee's action does not mean in any sense that these five unauthorized projects are to be abandoned. Two of them, as has been previously stated, already have been favorably recommended by the Chief of Engineers. It is entirely possible that all will be. There would seem to be ample time for the appropriate legislative committees to study the projects in order that the House may at least have the views of such committees before being called upon for the first time to appropriate money for carrying them forward, which, of course, could be done later in the session in a deficiency measure.

I am simply pointing out the status of the minor projects, and I am urging that their status should in no sense affect the major decision which the Senate now must make.

Referring finally to the major decision, I feel compelled to present one or two very brief exhibits, and then I am done.

Some question was raised yesterday respecting the editorial attitude of the Miami Daily News, which is owned by ex-Governor Cox, of Ohio. It was suggested that, if the Miami Daily News had taken a position upon the proposition, its position would have been announced by editorial comment. I send to the desk a brief excerpt from an editorial of the Miami Daily News of March 11, 1935, which I ask to have read by the clerk.

The PRESIDING OFFICER. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

[From the Miami Daily News of Mar. 11, 1935]

> There are reports, and more reports, on this huge enterprise, no two of which agree, and there remain many serious questions to be answered. The findings of Dr. Henry S. Sharp, geologist of Columbia University, appearing in the News' columns today, renew the challenge to Congress to answer these questions before authorizing construction or appropriating another dollar for the canal. Dr. Sharp asserts that it will jeopardize Florida's water supply over a wide area, "a matter of considerable economic importance." It is the consensus of all geologists that there will be some damage, he reports, "while a considerable number believe that it will prove to be a textbook example of large-scale destruction of water resources by artificial interference with underground flow." Such a statement from a scientist who has no sectional or partisan interest in the matter, renewing the warning given earlier by Florida's State geologist, must be definitely proved false or the canal project must be abandoned. Promoters have yet to produce sufficient evidence to prove that the canal would pay for itself if built. The majority of Gulf-Atlantic shipping lines seem uninterested in it. But this Nation could, if necessary, withstand the loss of $150,000,000 in the construction of the waterway. It would be extreme folly indeed at a time when economy is sorely needed. But $150,000,000 would be a relatively small amount compared to the damage if Florida's water resources were ruined, with all the agriculture dependent upon them. That is a disaster neither Florida nor the Nation can risk. So long as this threat remains the canal must not be built.

Mr. VANDENBERG. Mr. President, I have just been handed a telegram from Mr. W. Keith Phillips, president of the Miami Chamber of Commerce. I read only the latter portion of the telegram, because the first portion deals with personal matters.

The president of the Miami Chamber of Commerce states the following:

> The people most affected by this canal are thousands of small farmers, truck gardeners, and citrus growers scattered over the southern two-thirds of this State, who are unorganized and unable to make a proper defense of their rights. We beg of you to stand by us in this hour of need, and, if possible, defeat this dangerous project. There is no demand for this canal from the shipping interests; and personal contact with numerous shipping men convinces me that the canal will not be used, and that negotiating it during the winter will be very difficult on account of fogs and in the fall of the year on account of high cross winds.

Just one other telegram, from Mr. E. C. Rolph, who I understand is president of the First National Bank of Miami, and I understand is one of the leading businessmen of the South. His message to me this morning is as follows:

> I think I speak the prevailing sentiment of this entire south Florida area when I say that, in our judgment, the cross-State canal, if completed, will be a calamity. Many reasons have been advanced why it should not be perpetrated, all of which you know; but it should be suggested to the Senate that there are more people living and more active business south of the proposed canal

than north of it, and that the southern portion is almost unanimously opposed to it. If this project were left for decision to the people of Florida, I think it would be overwhelmingly defeated.

Mr. President, everything that has been said respecting the merits of the matter suffices, so far as I am concerned, to leave the decision to the conscience of the Senate. I simply remind the Senate, in conclusion, that it is now being asked to approve an enormous appropriation which has been rejected by P. W. A., which has been recommended against by the Department of the Interior, which has been recommended against in the reports of the Department of Commerce, which has been rejected by the House Appropriations Committee, which has been rejected by the House itself, which has had an adverse report by the Senate Appropriations Committee; and now the final decision impends.

Mr. FLETCHER. Mr. President, I do not care to prolong the discussion, but I think it is fair for me to say, in response to what has been suggested by the Senator from Michigan, that any number of telegrams may be furnished in support of this project. Every waterway association in the country—the Mississippi Valley Association, the Atlantic Deeper Waterways Association, the National Rivers and Harbors Congress—all favor this project and have passed resolutions to that effect. I shall not go into details about that; but, with reference to the water supply, I simply wish to call the attention of the Senate to Senate Document 147, which deals with the subject. It is a report made recently by a board of experts, dated December 18, 1935. Clarence E. Boesch, Sidney Paige, Frank C. Carey, E. B. Burwell, and Malcolm Pirnie were the members of a board of experts on water questions, geology, and so forth, set up by Colonel Somervell, of the Board of Rivers and Harbors Engineers, and instructed to make special examination into this question of the water supply and the effect of the construction of the canal upon it.

That report is a Senate document, and I ask Senators to read it. It is mentioned by General Markham in his testimony, in which he said, regarding it:

> The Board unanimously regards the effects of the sea-level canal as being, using a term, relatively inconsequential.
>
> * * * * * * *
>
> Senator VANDENBERG. You think that the rather generally expressed fears in general and southern Florida are without foundation?
>
> General MARKHAM. I think they are wholly without foundation.

I will not prolong the discussion. I submit that for the RECORD.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Florida [Mr. FLETCHER]. On that amendment the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRAZIER (when Mr. NYE's name was called). On this question my colleague [Mr. NYE], who is unavoidably absent, has a pair with the junior Senator from Florida [Mr. TRAMMELL]. If the Senator from Florida were present, I understand he would vote "yea", and if my colleague were present he would vote "nay."

The roll call was concluded.

Mr. BARKLEY. On this question I have a pair with the senior Senator from Delaware [Mr. HASTINGS], who is absent. I transfer that pair to the junior Senator from Louisiana [Mrs. LONG], and will vote. I vote "yea."

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. Not knowing how he would vote on this question, I transfer my pair to the Senator from New Mexico [Mr. CHAVEZ], and will vote. I vote "yea."

Mr. HAYDEN. My colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained from the Senate.

Mr. HATCH. My colleague the junior Senator from New Mexico [Mr. CHAVEZ] is necessarily detained from the Senate and out of the city. If present and voting, he would vote "yea."

Mr. ROBINSON. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained from the Senate on account of illness, and that the Senator from Washington [Mr. BONE], the Senator from California [Mr. MCADOO], and the Senator from Georgia [Mr. RUSSELL] are detained in important committee meetings.

I also announce that the Senator from Massachusets [Mr. COOLIDGE], the Senator from Illinois [Mr. DIETERICH], the Senator from Oklahoma [Mr. GORE], the Senator from Oklahoma [Mr. THOMAS], the Senator from Louisiana [Mrs. LONG], the Senator from New Jersey [Mr. MOORE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Florida [Mr. TRAMMELL], the Senator from Maryland [Mr. TYDINGS], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained.

I further announce that the Senator from California [Mr. MCADOO] has a pair on this question with the Senator from Massachusetts [Mr. COOLIDGE]. If present and voting, the Senator from California would vote "yea", and the Senator from Massachusetts would vote "nay."

The Senator from Wyoming [Mr. O'MAHONEY] is paired on this question with the Senator from Pennsylvania [Mr. GUFFEY]. If present and voting, the Senator from Wyoming would vote "yea", and the Senator from Pennsylvania would vote "nay."

Mr. AUSTIN. I announce the necessary absence of the Senator from New Jersey [Mr. BARBOUR]. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The result was announced—yeas 34, nays 39, as follows:

YEAS—34

Bachman	Fletcher	McGill	Robinson
Bailey	George	McKellar	Schwellenbach
Barkley	Glass	Murray	Sheppard
Benson	Harrison	Neely	Smith
Bilbo	Hatch	Norris	Thomas, Utah
Black	Hayden	Overton	Wagner
Byrnes	Holt	Pittman	Wheeler
Caraway	Johnson	Radcliffe	
Connally	Logan	Reynolds	

NAYS—39

Adams	Clark	Hale	Norbeck
Austin	Copeland	Keyes	Pope
Borah	Costigan	King	Shipstead
Brown	Couzens	La Follette	Steiwer
Bulkley	Davis	Lonergan	Townsend
Bulow	Donahey	McNary	Vandenberg
Burke	Duffy	Maloney	Van Nuys
Byrd	Frazier	Metcalf	Walsh
Capper	Gerry	Minton	White
Carey	Gibson	Murphy	

NOT VOTING—23

Ashurst	Dickinson	Long	Russell
Bankhead	Dieterich	McAdoo	Thomas, Okla.
Barbour	Gore	McCarran	Trammell
Bone	Guffey	Moore	Truman
Chavez	Hastings	Nye	Tydings
Coolidge	Lewis	O'Mahoney	

So Mr. FLETCHER's amendment was rejected.

Mr. HATCH. Mr. President, it had been my intention to offer another amendment, but, after consultation with other Senators interested, it is understood, I believe, that the Senator from West Virginia [Mr. NEELY] has framed the same amendment which I had intended to offer, and I yield at this time to the Senator from West Virginia to offer the amendment.

Mr. CONNALLY. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CONNALLY. Are not committee amendments given precedence over other amendments?

The VICE PRESIDENT. Committee amendments are first to be considered.

Mr. CONNALLY. What has happened to the Senate committee amendment on page 69? That has not been acted upon, and I think it ought to be acted upon before we consider other amendments.

Mr. COPELAND. Mr. President, I ask that the Senate agree to the amendment referred to by the Senator from Texas.

The VICE PRESIDENT. If there are no further amendments to be offered to the committee amendment on page 69, the question is on agreeing to the amendment, which the clerk will state.

The CHIEF CLERK. On page 69, line 23, under the heading "Rivers and harbors", it is proposed to strike out "$138,677,899" and to insert in lieu thereof "$188,677,899", so as to read:

CORPS OF ENGINEERS

RIVERS AND HARBORS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers:

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the act approved March 1, 1893 (U. S. C., title 33, sec. 661); for removing sunken vessels or craft obstructing or endangering navigation, as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed 35 student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (U. S. C., title 10, sec. 535); for examinations, surveys, and contingencies of rivers and harbors; and for printing, including illustrations, as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys under House Document No. 308, Sixty-ninth Congress, first session, and section 10 of the Flood Control Act, approved May 15, 1928 (U. S. C., title 33, sec. 702j), and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase of motor-propelled passenger-carrying vehicles and motor boats, for official use, not to exceed $146,050: *Provided*, That no funds shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, $188,677,899.

The amendment was agreed to.

Mr. FRAZIER. Mr. President, I wish to offer an amendment.

The VICE PRESIDENT. The Senator from New Mexico [Mr. HATCH] and the Senator from West Virginia [Mr. NEELY] desired to present an amendment, and the Senator from New Mexico yielded to the Senator from West Virginia so that he might offer the amendment.

Mr. NEELY. Mr. President, in behalf of the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. BILBO], the senior Senator from New Mexico [Mr. HATCH], and myself, I offer the amendment, which I send to the desk and ask to have stated.

The VICE PRESIDENT. The clerk will state the amendment.

The CHIEF CLERK. On page 70, after line 21, it is proposed to insert the following:

For continuing work on the following projects which are being undertaken with funds allotted from the appropriations made by the Emergency Relief Appropriation Act of 1935: Sardis Reservoir on the Little Tallahatchie River, Miss., $2,500,000; Conchas Reservoir on the South Canadian River, N. Mex., $3,500,000; Bluestone Reservoir on the New River, W. Va., $2,000,000; in all, $8,000,000.

Mr. NEELY. Mr. President, these items were all included in the estimate of the Director of the Budget. I wish to say just a word in behalf of the West Virginia project. Those who are more intimately acquainted with the other projects will probably speak for them later on.

Last year the Chief of Engineers recommended to Congress the construction of the Bluestone Reservoir in what is known as House Document 308, Sixty-ninth Congress. His recommendation was in response to legislation in the Rivers and Harbors Acts of 1927 and 1928, calling upon the Chief of Engineers to make a survey of the Mississippi River and its tributaries for the purpose of locating, reporting to Congress, and recommending the construction of flood-control dams on the Mississippi and its tributaries.

The Bluestone Reservoir was vigorously recommended by the Chief of Engineers as the first dam to be constructed. It is located on the New River, which is the most important tributary of the Great Kanawha River, which in turn is one of the largest tributaries of the Mississippi. The New River has a tremendous rainfall at its headwaters, approximately 70 inches a year. It is subject to destructive floods, which on the average do damage of over $350,000 a year.

The project was endorsed not only by the Chief of Engineers but also by the Board of Engineers of the Mississippi River. It will be a combination flood-control, navigation, and power project. Its value in improving navigation will be sufficient to justify it, but in addition it will save a tremendous annual loss in damage by flood and will create a sufficient amount of power to make it self-liquidating.

The President by Executive order commanded the Chief of Engineers to proceed with the construction at once, and appropriated from public-works funds $1,000,000 for this purpose. The Army engineers have about 400 men employed in drilling cores, locating the dam site, and doing the engineering work preparatory to the construction of the reservoir. Three C. C. C. camps are occupied in clearing the floor of the reservoir, and the Government has been purchasing land for this purpose.

The construction of this reservoir can be differentiated from other projects rejected by the House, on the following grounds: (a) That this is a carrying out of river and harbor legislation dating back to 1927 and 1928; (b) that it has the strongest possible recommendation from the Chief of Engineers and the Board of Engineers of the Mississippi River; (c) that it is a part of a great program long planned and recommended for the purpose of controlling the flood waters of the Mississippi and its tributaries.

Mr. McNARY. Mr. President, I inquire of the Chair the parliamentary status of the project referred to by the Senator from West Virginia. Does it come within the general authorization given by Congress to the President? Has it received the sanction of the Bureau of the Budget? Has it received the affirmation of a standing committee of the Senate? What is its relationship to the parliamentary situation?

The VICE PRESIDENT. The parliamentary situation with reference to the proposed amendment is the same as it was with reference to the amendment offered by the Senator from Florida. These projects have been estimated for, and, according to the vote of the Senate, they are in order.

Mr. HARRISON. Mr. President, may I say, in further answer to the Senator from Oregon, that all these projects have been passed on by the Chief of Engineers? The Budget Bureau has made its recommendation for the items, and I very much hope that the Senator having the bill in charge and the distinguished Senators who have opposed some of the other projects will permit this amendment to be agreed to. The arguments which applied against the other amendment cannot apply against this. May I ask the Senator from Michigan whether he does not think these items ought to be adopted?

Mr. VANDENBERG. Mr. President, it seems to me that these items differ from the item covered by the amendment submitted by the Senator from Florida in just two respects. The first respect is that they do not involve any such enormous sums of money; but that is a matter of degree, and does affect the principle.

The second difference is that apparently two of the projects have conclusive, affirmative reports from the Board of Engineers for Rivers and Harbors. To that extent the projects differ from the one which the Senate has just rejected. But since the Senator has asked me for my opinion, I give it to him. The projects included in the pending amendment do not qualify under the traditional practice of the Congress in dealing with projects of this character. They were rejected by the House committee and by the House itself under precisely the same rule that the item for the Florida canal was rejected. It seems to me that the orderly process for the Senator and his colleagues to pursue would be to obtain an authorization for the projects by Congress in the regular traditional fashion, and subsequently to secure the necessary appropriations in the deficiency bill.

Mr. HARRISON. I may say to the Senator that the committee of which he is a member included in the Overton bill the Mississippi item in which I am interested.

Mr. VANDENBERG. But the Overton bill has not been passed by the Senate.

Mr. HARRISON. It has not, but it has been favorably reported by the committee and is now on the calendar.

Mr. VANDENBERG. It has not been passed, and there would be some controversy about it on the floor.

Mr. HARRISON. I was simply hoping that we might save time in the discussion.

Mr. VANDENBERG. In saving time we might waste some money.

Mr. HATCH. Mr. President, I desire to detain the Senate for a very brief time to explain the situation in connection with the project which is located in my State. It is referred to in the report which was made and in the discussions which have been had upon it as the Conchas Dam. The Conchas Dam project differs in degree and extent and I think in other ways from the Florida canal project which has been discussed by the Senate for the past 2 days.

While a study of this project has been made by different departments of the Government, I am quite sure I am correct when I say it has not been rejected by any department.

I have before me at this time a long report written by the Chief of Engineers, General Markham, on the Arkansas River and its tributaries. The Conchas Dam is located on the Canadian River in New Mexico. The Canadian River is a tributary of the Arkansas River. Flood waters annually go down the Canadian River into the Arkansas and on into the Mississippi. This project is designed primarily as a flood-control project. It is desired by all officials, I think, who have been interested in the study of the problems of the Mississippi River flood control and also the flood control of the Arkansas River.

In his statement written to the Secretary of War on July 26 last year, General Markham, reporting on the Arkansas River and its tributaries, said:

I submit for transmission to Congress my report with accompanying papers and illustrations on Arkansas River and tributaries made under the provisions of (a) the act of Congress approved May 31, 1924, which call for preliminary examinations of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of the act approved March 1, 1917: Canadian River, N. Mex., Tex., and Okla.—

And other rivers named.

2. Description: The Arkansas River has its sources in the Rocky Mountains in central Colorado and flows 1,450 miles generally southeasterly through Colorado, Kansas, Oklahoma, and Arkansas to the Mississippi River. From the source to Pueblo, Colo., 171 miles, it is a typical mountain stream. At Pueblo it enters the Great Plains and flows over a sandy bed with low banks to Hutchinson, Kans., a distance of 460 miles, with an average slope of nearly 7 feet to the mile. The flow in this section is erratic. While destructive floods occur, portions of the stream bed run dry for considerable periods. Large areas adjacent to this section are under irrigation. * * *

3. The total drainage area of the Arkansas is 160,500 square miles. * * * The largest tributary, the Canadian River, drains 47,500 square miles.

Much other data is assembled in this report, and I desire to ask that it be printed in full in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 26, 1935.

7249 (Arkansas River).
Subject: Report on Arkansas River and tributaries.
To: The Secretary of War.

1. I submit for transmission to Congress my report, with accompanying papers and illustrations, on Arkansas River and tributaries, made under the provisions of (a), the act of Congress approved May 31, 1924, which called for preliminary examinations of the following streams with a view to the control of their floods in accordance with the provisions of section 3 of the act approved March 1, 1917: Canadian River, N. Mex., Tex., and Okla.; North Fork Canadian, Tex. and Okla.; Deep Fork, Verdigris, and Little River, Okla.; Cimarron River, N. Mex. and Okla.; Arkansas River in Kansas, Oklahoma, and Arkansas; (b) section 4 of the River and Harbor Act of January 21, 1927, which authorized a preliminary examination and survey of the river; (c) House Document No. 308, Sixty-ninth Congress, first session, which was enacted into law, with modifications, in section 1 of the River and Harbor Act of January 21, 1927; and (d) section 10 of the Flood Control Act of May 15, 1928, which calls for preparation of projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods.

2. Description: The Arkansas River has its sources in the Rocky Mountains in central Colorado and flows 1,450 miles generally southeasterly through Colorado, Kansas, Oklahoma, and Arkansas to the Mississippi River. From the source to Pueblo, Colo., 171 miles, it is a typical mountain stream. At Pueblo it enters the Great Plains and flows over a sandy bed with low banks to Hutchinson, Kans., a distance of 460 miles, with an average slope of nearly 7 feet to the mile. The flow in this section is erratic. While destructive floods occur, portions of the stream bed run dry for considerable periods. Large areas adjacent to this section are under irrigation. From Hutchinson to Little Rock, Ark., a distance of 641 miles, the river flows through the rolling prairies of Kansas and Oklahoma and the rugged section of western Arkansas. The average slope through this section is about 2 feet to the mile. Below Little Rock the valley is broad and merges into that of the Mississippi River. The river length is 178 miles and the average slope 0.6 foot per mile.

3. The total drainage area of the Arkansas is 160,500 square miles, which is 12.8 percent of the entire Mississippi River watershed. The largest tributary, the Canadian River, drains 47,500 square miles. Other large tributaries are the Cimarron, the Grand, the Verdigris, and Salt Fork. The average annual rainfall is about 12 inches in the western part of the basin, about 28 inches in the central part, and 50 inches in the eastern part. The channel capacity of the main stream and also of the tributaries is generally insufficient to carry the storm run-off. Flood flows in the arid region are usually sharp crested and soon lost in river channel storage and absorption, so that the least flow of the main river is in the vicinity of Hutchinson. The run-off at Little Rock fluctuates from 1,000 to 830,000 second-feet and averages about 41,000 second-feet.

4. The population of the basin is about 3,700,000. The largest cities are Oklahoma City, Okla., 185,400; Tulsa, Okla., 141,300; Wichita, Kans., 111,100; Little Rock, Ark., 81,700; Pueblo, Colo., 50,100; Amarillo, Tex., 43,100; Joplin, Mo., 33,500; Muskogee, Okla., 32,000; and Fort Smith, Ark., 31,400. Agriculture is the chief industry. The basin has valuable mineral resources, including petroleum and natural gas. Transportation is provided by nine railroad systems and numerous improved highways and secondary roads cover the watershed.

5. In general, improvement for navigation is advocated only on the main river below Tulsa; practical power sites are found only in eastern Oklahoma; destructive floods occur in practically all the valleys except those in the mountain section, the damage depending on the extent of development, and irrigation is needed only west of the ninety-ninth meridian.

6. Navigation: The bed and banks of the Arkansas River are generally unstable, and at low water the river channel is shifting and tortuous and obstructed by sand and gravel bars, snags, and wrack heaps. The controlling depth at low water ranges from 2 feet in the lower reaches to 6 inches or less in the upper reaches. The currents in flood are exceptionally swift. The annual fluctuations of flow are not sufficiently regular to afford dependable seasonal navigation. Before the construction of railroads through the basin, steamboats operated to Fort Gibson at the mouth of Grand (Neosho) River in eastern Oklahoma, 475 miles above the mouth, and some sporadic attempts were made to operate steamboats above that point. River traffic reached its maximum in 1871 and 1872, and subsequently fell off as railroad service was extended through the region. The Supreme Court, in a decision rendered in 1922, has held the river is not a navigable stream above the mouth of Grand River.

7. Considerable sums have been appropriated by Congress and expended in an effort to improve the river for navigation by dredging and snagging and revetments to hold caving banks. In 1910 the construction and operation of two dredges was authorized by Congress to determine the practicability of maintaining a low-water channel 3½ feet deep to Ozark in western Arkansas. It was found, however, that the dredged channels were obliterated after each freshet and operations were discontinued in 1916. Present operations are limited to snagging the portion of the river used by navigation and the maintenance of revetments at Little Rock and Pine Bluff. The total expenditures to June 30, 1933, have been $4,253,692.84. Commerce is now limited to local movements of sand and gravel and a small amount of logs. During the past 10 years it has ranged from a maximum of 577,000 tons in 1931 to a minimum of 57,000 tons in 1932.

8. The navigation improvement now strongly advocated by local interests is a 9-foot channel to Tulsa, Okla., or the vicinity. The district engineer finds that because of the slope and unstable bed of the stream, the river flow, even if fully conserved by storage reservoirs, is inadequate to provide a dependable 9-foot channel without locks and dams. He presents a comprehensive plan for improvement to provide a 9-foot channel to the vicinity of Tulsa by the construction of locks and dams. The waterway would leave the Mississippi at the mouth of White River, some miles upstream from the mouth of the Arkansas, and would enter the Arkansas through a cross connection in the lowlands at the mouth of the two rivers. It would follow the Arkansas to the confluence of the Verdigris River, just above the mouth of the Grand, and thence up the Verdigris to Catoosa, which is about 15 miles from Tulsa, but at nearly 100 feet lower elevation. The waterway would be 537 miles in length and have 40 locks and dams, each

with a lift of about 11 feet. The dams in the Arkansas would be movable dams of the type used on the Ohio, with locks having chambers of standard Ohio River dimensions, 110 feet in width and 600 feet in length. The four dams required on the Verdigris would be fixed dams, with lock chambers 62 feet in width and 480 feet in length, the decreased dimensions being made necessary by the restricted width of the stream. A storage reservoir would be necessary to assure the requisite water for lockage. Dredging would be necessary to provide and maintain a suitable channel. To afford stability to the improved channel extensive bank protection works are considered necessary. The total estimated cost is in round numbers, $204,000,000. Interest during construction would be in addition a little more than $20,000,000. The estimated annual charges would be $18,712,000. If the improvement were extended up the main river to Tulsa instead of up the Verdigris to Catoosa, 14 more locks and dams would be required, and the estimated cost would be increased to nearly $270,000,000. If, on the other hand, the size of all locks were reduced to the dimensions proposed for those in the Verdigris River, the estimated cost of the channel to Catoosa would be reduced to $192,000,000, exclusive of interest during construction.

9. The district engineer made a detailed study of the prospective tonnage and revenue and savings resulting therefrom. The tributary area which would be benefited by rail-water or rail-water rail rates on freight routed over the waterway as determined by him in accordance with the established rulings of the Interstate Commerce Commission includes a large part of Arkansas, all of Oklahoma, nearly one-half of Kansas, the southeastern portion of Colorado, the eastern half of New Mexico, and the Texas Panhandle. He finds that about 7,460,000 tons, or about 10 percent of the total 1929 rail tonnage, could have moved on the river if a 9-foot channel were available, with a saving in transportation costs of about $10,220,240, based on an estimated average water rate of 4.7 mills per ton-mile. Since the benefits fall far short of the annual charges of the improvement, he concludes that such improvement is not justified.

10. At the request of local interests further investigation was made to determine the cost of a 6-foot channel to Tulsa. It was found that it might be possible to provide such a channel by regulating works and open-channel improvements as far up as the mouth of Grand River, provided that a large increase in the low-water flow were effected by water conservation by storage reservoirs. Above the mouth of the Grand, the construction of locks and dams would be necessary. The estimated cost of providing a 6-foot channel to Catoosa by this plan is found to be in excess of $126,000,000, and to Tulsa $185,000,000. The annual carrying charges are $15,600,000 and $20,900,000 respectively. The cost of providing a more assured 6-foot channel by a complete installation of locks and dams is, in round numbers, $187,000,000 to Catoosa, and $247,000,000 to Tulsa, with annual carrying charges of $17,900,000 and $23,300,000 respectively. It is clear that the relatively small reduction in cost under either plan does not warrant the consideration of a 6-foot channel, and at a hearing before the Board of Engineers for Rivers and Harbors the representatives of local interests expressed the view that such a channel should not be considered.

11. Power: Power is now developed at 25 water-power plants in the Arkansas Basin, with a total installed capacity of 7,000 horsepower. None of these is on the main stem, and 22 are on the Grand River. The limited development has been due to the prior rights of irrigation to the use of water in the western portion, the irregular stream flow which requires large reservoirs for regulation, and the cheap steam power resulting from the abundance and proximity of coal, oil, and gas. The district engineer investigated a number of sites for possible developments both on the main stream and on the tributaries, and presents full information upon them in his report. The three most favorable sites were found on the Grand River, where an aggregate installation of 186,500 kilowatts could be made at an estimated cost of $28,000,000 in round numbers. The cost of producing power at these installations is estimated at 5½ mills per kilowatt-hour. The plans include a storage reservoir with a capacity of nearly a million acre-feet at the upstream site. The reservoir system could be operated for flood control although this method of operation would decrease the efficiency of the hydroelectric development. However, in the event a comprehensive flood-control plan of the Arkansas River is undertaken under Federal auspices, this method of operation would entitle the proposed development to some consideration on this basis. The operation of the reservoir for power production would increase the navigable depths in the lower Arkansas by from 6 to 9 inches, but such an increase would still afford depths far short of those required to afford an artery of commerce. The State of Oklahoma has enacted legislation creating a Grand River Authority for the development of hydroelectric power on the Grand River. Some 9 other sites were found on the tributaries and the main stream, suitable for installations ranging from 4,000 to 20,000 kilowatts each, but the cost of production in each case was found to be well in excess of 1 cent a kilowatt-hour. A large-scale development with an installation of 280,000 kilowatts could be made on the main river just above Little Rock, at an estimated cost of $120,000,000; but the cost of power would be nearly 2 cents per kilowatt-hour. The district engineer is of the opinion that none of the projects investigated would be commercially sound at the present time.

12. Irrigation: About 750,000 acres of land were under irrigation in the basin west of the ninety-ninth meridian in 1929. The greater part of this area lies along the main river and its tributaries in Colorado and Kansas above Garden City, Kans., which is 205 miles above Hutchinson. The area in Colorado amounted to 557,000 acres. The water is diverted at 23 diversion dams in the main river, and flood and winter flows conserved in some 64 tributary and off-channel reservoirs. More land is under irrigation than can be reliably served with the available water supply, and conflicting claims to water rights are still under litigation.

13. State agencies in Colorado, New Mexico, and Oklahoma have investigated numerous reservoir sites for the further conservation of water for irrigation and flood control. The district engineer has supplemented these investigations. The best available site on the main river is at Caddoa, just below the mouth of the Purgatoire, and 122 miles above Garden City. For purposes of irrigation only the most advisable project is the construction of an earth-fill dam, about 100 feet in height, with a concrete spillway, and with a storage capacity of 400,000 acre-feet at an estimated cost of $8,250,000. The estimated supplemental water supply made available is 170,000 acre-feet, and better use could be made of an additional 135,000 acre-feet of water covered by prior rights. The district engineer considers that the economic justification for the work depends upon the payments that the holders of prior rights would consent to make for the benefits. By increasing the height of the Caddoa Dam to 120 feet to afford a reservoir of 680,000 acre-feet capacity, at a total cost of $10,000,000, flood-control benefits estimated at $2,666,400 could be secured in addition to the benefits to irrigation, leaving a net charge of $7,333,600 against irrigation benefits. The district engineer regards the higher dam as the most efficient project for the development of water resources and flood control in eastern Colorado and western Kansas.

14. A less comprehensive plan lies in the construction of a dam about 118 feet in height on the Purgatoire River about 24 miles above its confluence with the Arkansas, to conserve the unused water from this tributary. This reservoir would afford a supplemental water supply of 48,500 acre-feet to the Arkansas River. The cost of the reservoir is estimated at $1,663,000, and the cost per acre-foot of net annual supply is $34. A second project for water conservation, supplementary to but independent of the Purgatoire Reservoir, is the construction of a diversion dam about 7.5 miles above Hartland, Kans., and about 104 miles below the Caddoa Dam site, to divert water to an off-channel reservoir on Bear Valley, an adjacent tributary. The estimated cost of the project is $700,000, of which $60,000 is the cost of the diversion dam. It is estimated to furnish a supplemental supply of 40,000 acre-feet to 20,000 acres of land at a cost of $17.50 per acre-foot. While these two projects appear to be economically sound, the district engineer regards the comprehensive plan afforded by the Caddoa Reservoir as the most desirable.

15. The district engineer presents also data for reservoirs on the tributaries of the Arkansas for the conservation of water for irrigation, but finds that they are not economically justified at the present time.

16. An area of 125,000 acres in Arkansas on the north bank of the river below Little Rock is irrigated for rice culture by pumping from deep wells. This area is between the Arkansas and White Rivers, and the district engineer states that it is more susceptible of direct-flow irrigation from the White than from the Arkansas. Plans for a gravity irrigation system were included in a report on the White River printed in House Document 102, Seventy-third Congress, first session.

17. Floods: The Arkansas River and its tributaries are in general subject to destructive floods. The total area liable to inundation amounts to nearly 4,000,000 acres, of which about 1,500,000 acres are on the main stem of the river and 2,500,000 on the tributaries. The average annual flood losses, including damages to towns and cities, are estimated at somewhat in excess of $4,500,000. The nature and extent of the floods vary widely in the different parts of this long river. From Pueblo, where the river enters the Great Plains, to the Colorado-Kansas State line, storms of cloudburst intensity result in occasional floods, which often do damage, principally to irrigation headworks, and at infrequent intervals do large damage. Through western Kansas no important tributaries enter, and the watershed, because of its sandy character, does not produce floods of importance. The quick-rising short floods from the upper section diminish in volume as they pass down the river, and are so reduced when they have reached the vicinity of Hutchinson, in central Kansas, that the flood losses are negligible. The tributaries entering the river in central Kansas again contribute flood flows greatly exceeding the capacity of the stream in the remainder of its course through that State. Several important cities and towns lie in part within the flood plain of the river in this section. The flood-discharge capacity increases after entering Oklahoma, and damaging floods are rare until the mouth of the Verdigris is reached. From the mouth of the Verdigris down to the backwater of the Mississippi, a distance of 369 miles, a number of large tributaries contribute flood flows and the flood damages are the maximum. The area subject to overflow is 730,900 acres, exclusive of that on the south bank protected by the project for the flood control of the alluvial valley of the Mississippi, and a number of the towns and cities are also subject to flood damage. The backwater area north of the Arkansas amounts to 313,000 acres, much of which is, however, unimproved.

18. Flood-protection works have been constructed by the cities of Pueblo, Colo., and Wichita and Arkansas City, Kans., and extensive levees have been constructed to protect the bottom lands below Fort Smith, 379 miles above the mouth. The control and protection works at Pueblo, constructed at a cost of $4,000,000 after the disastrous flood of 1921, are designed to meet a flood from two to three times that of record. The works at Wichita, constructed at a cost of about $1,000,000, afford protection to the maximum flood of record. Other works are considered effective against moderate floods only. Levees on the south bank below Pine Bluff, 61

miles below Little Rock, have been constructed by the Federal Government as a part of the project for the flood control of the alluvial valley of the Mississippi, and are designed to protect the alluvial lands south of the Arkansas from the largest flood to be anticipated. Local drainage districts have constructed levees, ditches, and channel rectification on Grand River, Verdigris River, on tributaries of North and South Canadian Rivers, and other tributary streams, at an aggregate cost of several million dollars. These works are, in general, effective only against moderate floods.

19. The district engineer made a comprehensive study of the feasibility of the reservoir control of floods on the main stem and principal tributaries. His investigations show that the cost of any comprehensive plan of reservoir control greatly exceeds the benefits; but that the construction of the Caddoa Reservoir near Lamar, Colo., for the joint use for irrigation and flood control, at an estimated cost of $10,000,000, is economically justified, provided that the irrigation interests benefited pay a part of the cost. This reservoir would greatly reduce flood losses along the main stem of the river in western Kansas and the adjacent area in eastern Colorado, but would have no sensible effect on floods further downstream. A reservoir of 400,000 acre-feet capacity on the North Canadian River at Fort Reno, 55 miles above Oklahoma City, formed by an earth-fill dam 45 feet in height, would afford local flood protection to the city and 160,000 acres of land and water supply to the city at an estimated total first cost of about $8,000,000, but is considered economically justified only if $1,280,000 is allocated to domestic water supply. The Fort Reno Reservoir supplemented by two smaller reservoirs located at Fort Supply and Optima would provide complete flood control for the North Canadian River as well as contribute materially to flood control on the Arkansas River. The Fort Supply Reservoir on Wolf Creek, with a capacity of 150,000 acre-feet, would be formed by an earth dam 53 feet in height and 10,200 feet in length, at an estimated first cost of $2,360,000. The Optima Reservoir, on the North Canadian River, with a capacity of 77,500 acre-feet, would be formed by an earth dam 65 feet in height and 4,200 feet in length, at an estimated first cost of $1,350,000. The three reservoirs would prevent annual flood damages estimated to average $418,000, and also provide a dependable additional water supply for Oklahoma City. The Great Salt Plains Reservoir, located on Salt Fork River, with a capacity of 332,000 acre-feet, would be formed by an earth dam 40 feet in height and 4,120 feet in length, at an estimated first cost of $1,122,000, and would prevent annual average flood damages of $52,320. Much of the land necessary for the construction of this reservoir is now owned by the Biological Survey, which has endorsed its construction in the interests of wildlife. The Conchas Reservoir, located on the South Canadian River, with a capacity of 800,000 acre-feet, would be formed by an earth-filled dam 230 feet in height and 26,600 feet in length, at an estimated first cost of $8,691,000. This reservoir would prevent annual flood damages estimated to average $175,000, and in addition has a potential value for irrigation and water-supply purposes estimated at $422,000 annually. Considering its value to irrigation and water conservation, the construction of this reservoir would appear economically justified. However, utilization of the irrigation storage would require the construction of a distributing system at an additional cost estimated at $4,000,000.

20. A detailed investigation was made of the economic justification for providing flood protection by levees. Except for a few relatively small areas, aggregating 11,770 acres, so located that protection can be afforded at small cost by floodgates and minor levee construction, it was found that protection of agricultural lands is not warranted at the present time. The construction or improvement of levees for the protection of Arkansas City, Kans., on the main stem of the river, at an estimated cost of $104,000; Kaw, Okla., at an estimated cost of $37,000; and Tulsa, Okla., at an estimated cost of $349,000; Augusta, Kans., on Walnut River, at an estimated cost of $86,000; Winfield, Kans., on the same river, at an estimated cost of $121,000; Clarksville, Ark., on Spadra Creek, at an estimated cost of $78,000; and Blackwell, Okla., on Chickaskia River, at an estimated cost of $62,000, are considered to be economically justified or advisable for the protection of life and property.

21. Reservoirs for control of Mississippi River floods: The large floods from the Arkansas River during Mississippi River flood periods come from the eastern portion of the watershed, mainly from the Verdigris, Grand, Illinois, Poteau, Petit Jean, and Fourche La Fave Rivers, and the lower portions of the Cimarron and Canadian Rivers. The district engineer selects a group of 21 reservoirs on these tributaries with a capacity of 11,312,000 acre-feet as the best for the control of these floods. The estimated cost, including operation and maintenance, is $116,195,000, or an average of $10.25 per acre-foot. These reservoirs would have reduced the maximum stage of the Arkansas River in the great flood of 1927 by 1.4 feet at Pine Bluff, and of the Mississippi at Arkansas City by 3.34 feet. The most effective plan for Mississippi River flood control would entail the construction of a reservoir just above Little Rock with a capacity of 29,000,000 acre-feet, at an estimated project cost of $267,000,000, or $9.20 per acre-foot of capacity. The operation of this reservoir would have reduced the crest stage of the Mississippi River flood in 1927 if confined by levees by 7.25 feet, and under the adopted project for Mississippi River flood control with the Boeuf floodway in operation would reduce the flow down the floodway from 1,250,000 cubic feet per second to 650,000 cubic feet per second. The 21 tributary reservoirs with a smaller reservoir at Little Rock would give the same reduction as the large Little Rock reservoir alone, but the aggregate cost would be greater. The Mississippi River Commission, under the provisions of section 10 of the Food Control Act of May 15, 1928, has completed a comprehensive study of the use of reservoirs located on the tributaries as a means of controlling floods on the lower Mississippi River. The report of the Commission includes 13 reservoirs on the Arkansas River and its tributaries in the system of reservoirs selected as the best general plan toward which future flood-control reservoir construction should be directed.

22. The district engineer discusses the related questions whose consideration is directed by section 10 of the Flood Control Act of May 15, 1928. He concludes that the benefit of return waters in irrigated areas would accrue to irrigation rather than to navigation; that the benefits from reduction in soil erosion and by flood-control works or otherwise would be incidental and too inconsequential to allocate to those factors any appreciable portion of the cost of reservoir construction. The prospective sale for reservoired flood waters for use of power and irrigation is considered in the discussion of projects for these developments.

23. The division engineer concurs in general with the views of the district engineer but expresses the view that the maintenance of a 9-foot channel on the Arkansas River by means of locks and dams is most doubtful, if not actually impracticable except at a cost far in excess of the estimates, and that the experience in the development of navigation on similar streams does not warrant the assumption that a commerce of 7,500,000 tons would develop on this river if a 9-foot channel were provided. He is further of the opinion that the flood-control projects presented by the district engineer are not economically justified, and recommends that the United States do not participate in plans for flood control, irrigation, power, or navigation on the Arkansas River Basin except as already authorized by law.

24. The Mississippi River Commission, to which the reports were referred as required by law, states that the construction of storage reservoirs in the basin of the Arkansas River, either for the purpose of prevention of flood losses in that basin or in connection with the control of floods in the Mississippi River would cost more than equal relief from present flood conditions by the use of other approved methods of flood control.

25. The reports of the district and division engineers and of the Mississippi River Commission have been referred, as required by law, to the Board of Engineers for Rivers and Harbors, and its report, concurring in general in the conclusions of the division engineer, is submitted herewith.

26. After due consideration of these reports, I concur in general with the views and recommendations of the Board. Because of its considerable slope and the heavy movement of sand in its bed, the improvement of the river to the vicinity of Tulsa to afford a 9-foot channel of width suitable for modern long-haul barge service is of doubtful feasibility, even through the construction of locks and dams at great cost. The figures presented by the district engineer show that the cost would not be justified even if a commerce of 7,500,000 tons annually should develop. Gaged from the through commerce that has actually developed on the Ohio, where an ample channel is maintained, and where an enormous potential commerce is available, it does not appear that a commerce of such volume is reasonably to be anticipated on the Arkansas. Because of its physical characteristics, the execution of effective plans for the improvement of the Arkansas River for navigation is not, therefore, economically justified. It is not feasible to combine such improvement with the development of potential water power, the control of floods, or the needs of irrigation. The outflow of the Arkansas is a serious factor contributing to disastrous floods on the Mississippi. While the construction of a dam above Little Rock to impound these waters in a great reservoir would be of substantial benefit in controlling the floods of the Mississippi, yet the great cost of this dam and the flowage of fertile and productive lands and communities not now subject to flood damage renders its construction unjustifiable. The possibilities for the economic generation of power, independent of navigation, are quite limited in the basin. The survey shows the feasibility of constructing large reservoirs at Caddoa on the main stem at an estimated cost of $10,000,000; Conchas on the South Canadian at an estimated cost of $8,691,000; and Fort Reno on the North Canadian at an estimated cost of $8,000,000 for the conservation of water either for navigation or domestic water supply combined with control of local floods. It also shows the feasibility of constructing smaller flood-control reservoirs in the North Canadian Basin, one at Fort Supply at an estimated cost of $2,360,000, and one at Optima at an estimated cost of $1,350,000, which, combined with the Fort Reno Reservoir, will give almost complete flood control in the basin of that tributary. The Great Salt Plains reservoir on Salt Fork at an estimated cost of $1,122,000 also appears feasible for flood control and as a wild-bird refuge. The survey develops also a number of relatively minor works for the local protection of cities. Subject to the consummation of agreements as to the distribution of the benefits and reasonable payments therefor, these projects appear to warrant a place in any broad plan for water conservation.

E. M. MARKHAM,
Major General, Chief of Engineers.

Mr. HATCH. I particularly desire to call attention to the following statement which appears on page 8, and I particularly direct the attention of the Senator from Michigan [Mr. VANDENBERG] to this statement. I read from General Markham's letter to the Secretary of War, written for transmission to Congress.

The Conchas Reservoir, located on the South Canadian River, with a capacity of 800,000 acre-feet, would be formed by an earth-filled dam, 230 feet in height and 26,600 feet in length, at an estimated first cost of $8,691,000.

That is the exact sum which is still estimated for that project.

This reservoir would prevent annual flood damages estimated to average $175,000, and in addition, has a potential value for irrigation and water-supply purposes estimated at $422,000 annually. Considering its value to irrigation and water conservation, the construction of this reservoir would appear economically justified.

Then General Markham says, discussing several other projects included in this survey:

The survey shows the feasibility of constructing large reservoirs at Caddoa on the main stem at an estimated cost of $10,000,000;—

That is not involved—

Conchas on the South Canadian at an estimated cost of $8,691,000.

Mr. DUFFY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from Wisconsin?

Mr. HATCH. I yield.

Mr. DUFFY. Is that word "Conscious" or "Conscience"?

Mr. HATCH. The word is Conchas, C-o-n-c-h-a-s. It means seashells.

The War Department in May of this year made an application for the allotment of funds under the Emergency Relief Appropriation Act of 1935 to build the Conchas Reservoir and Dam, and in the application the costs and benefits accruing from it are set forth in detail. I ask, Mr. President, that this application be printed in the RECORD at this point in my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The application is as follows:

REVISED APPLICATION—FEDERAL PROJECTS

Application for allotment of funds under Emergency Relief Appropriation Act of 1935

Department project no. 201.
Official project no. 13–209.

Amount requested $2,500,000
Amount approved 2,500,000

Department or independent office: War.
Bureau: Corps of Engineers.
Location of project: State, New Mexico; county, San Miguel; city or town, ——.
General location, if other than above: On South Canadian River in northeastern New Mexico.

1. Description of project and character of work: Conchas Reservoir: Earth-fill dam; length, 26,600 feet; height, 230 feet; involving approximately 550,000 cubic yards of rock and earth excavation, 6,500,000 cubic yards of earth fill, 250,000 cubic yards of riprap, and 70,000 cubic yards of plain and reinforced concrete. The reservoir capacity is 800,000 acre-feet. The area submerged is 17,000 acres.

(a) Relative priority of this project in comparison with all projects embraced within the program of the Bureau: One.

2. Total estimated cost of project:

(b) Amount of allotment requested in this application $2,500,000
(c) Additional amount required to complete 6,191,000
(d) Total 8,691,000

3. Give sources of funds, if any, under 2 (a): None.

4. Estimated division of allotment:

	(1) Amount	(2) Percent of subtotal	(3) Percent of total allotment	(4) Daily average number to be employed
(a) Labor:				
(1) Unskilled	$676,000	55	27	1,133
(2) Skilled	428,000	35	17	453
(3) Technical and clerical	120,000	10	5	57
(4) Subtotal	1,224,000	———	49	1,643
(b) Superintendence	200,000	———	8	57
(c) Other expenses on project:				
(1) Supplies, materials, equipment	914,000	85	37	———
(2) Contingent expense	162,000	15	6	———
(3) Land	———	———	———	———
(4) Subtotal, other expenses	1,076,000	———	43	———
(d) Total (should correspond with amount shown in 2(b)	2,500,000	———	———	1,700

5. Estimated expenditure per man-year of employment: $1,260; 173 hours per month. Wage scale as prescribed in Executive order of May 20, 1935, for 90 percent of labor force. Remaining 10 percent of labor force on prevailing wage scale.

6. Estimated total man-hours: 4,120,000.

7. Estimated period of preparation before work at site can be started: 45 days.

8. Estimated daily average number of employees each month during execution of project: 1, 180; 2, 220; 3, 500; 4, 1,000; 5, 1,700; 6, 2,700; 7, 2,700; 8, 2,700; 9, 2,700; 10, 2,700; 11, 2,700; 12, 2,700; 13, 1,000; 14, 300.

9. Estimated elapsed time from beginning work to completion: 14 months.

10. (a) What part of labor on project would usually be handled by contract? 0 percent; (b) what part of labor on project would usually be day labor? 100 percent.

11. If this project is in fulfillment of some specific statutory authorization give date of such law and statute reference. None.

12. Is any part of this project in conflict with previous congressional action? No.

13. Under what provision or classification of projects specified in section 1, Emergency Relief Appropriation Act of 1935, may allotment be made legally? Flood control (h).

14. Has validity of proposed allotment been approved by legal staff of department or independent office? Yes.

15. From what other Federal agency, if any, has an allotment for this project been requested? None.

16. Status of plans: (a) Surveys? Complete; (c) sketch plans? Complete.

17. Status of land or sites: (d) Negotiations not begun? Not begun.

18. Is project wholly or partially self-liquidating under present laws? (See 21 below.)

19. To what extent will this allotment increase or decrease the annual expense of physical upkeep and operating cost to the Federal Government? (a) Increase, $54,000. By what agency to be borne? By local interests.

20. Extent of participation, if any, by other agencies: State of New Mexico or legal subdivision thereof to contribute rights-of-way and to assume responsibility for maintenance and operation of completed structure and for any damages to private property during construction. Estimated cost of right-of-way, $234,000.

21. Justification (a short, concise statement giving reason or necessity for the proposed allotment, including any comments or further statement about the nature of the work. An additional sheet may be inserted if necessary): The project would prevent annual flood losses estimated at $175,000. In addition, it has a potential value to irrigation of $366,000 and to the water supply for the city of Tucumcari of $56,000, giving annual benefits estimated at $597,000. The irrigation benefits cannot be obtained, however, until a distribution-canal system is provided at an additional estimated cost of $4,000,000. The estimated annual cost, including capital charges on the reservoir project alone, is estimated at $411,000.

Allotment of funds for this project requested by:

WAR, CORPS OF ENGINEERS,
For the Chief of Engineers.
LUCIUS D. CLAY,
Captain, Corps of Engineers.

Mr. HATCH. I invite the attention of Senators to this very significant statement appearing in the application filed under the Emergency Relief Appropriation Act of 1935, with the Emergency Appropriation Board of the Works Progress: The question is:

(a) Relative priority of this program in comparison with all projects embraced within the program of the Bureau.

And General Markham says in answer that it ranks no. 1.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. VANDENBERG. May I ask the Senator if he is relying upon the final sentence of General Markham's letter of July 26, 1935, for his statement that this project was approved by General Markham?

Mr. HATCH. I have read to the Senate the statements in the letter. I do not recall the last sentence in General Markham's letter. I think he uses the expression, "Probably they are justified."

Mr. VANDENBERG. The last sentence reads as follows:

Subject to the consummation of agreements as to the distribution of the benefits and reasonable payments therefor, these projects appear to warrant a place in any broad plan for water conservation.

I would hardly call that the kind of a recommendation upon which Congress relies traditionally in making its decisions upon projects of this character. Does the Senator disagree with that statement?

Mr. HATCH. That sentence standing alone would certainly bear the interpretation the Senator from Michigan

has placed upon it, and it would not justify the statement that it was a recommendation or an approval.

Mr. VANDENBERG. Well, is there any other statement, because I have been conscientiously looking for it?

Mr. HATCH. Yes; I called the attention of the Senator from Michigan to the express statement in two different places in the report that the Conchas Reservoir is economically justified. That is a flat statement made by General Markham in the report. I can conceive of no greater recommendation than could be made, and I cannot conceive of any greater recommendation than that made by the Board of Engineers when they filed their application with the Works Progress Administration and set forth the Conchas Reservoir as project no. 1.

I have another letter in which the Senator from Michigan, if I may invite his attention to it, will be interested, and which shows what General Markham thinks of this project, along with others of a similar nature. This letter was written to Representative FERGUSON, of Oklahoma, in response to a request concerning projects in Oklahoma of the same general nature and kind. In this letter General Markham says:

In your recent telephonic request you asked to be advised as to the flood-control reservoirs recommended by this Department for inclusion in the emergency relief program.

This Department has received a number of applications from interested parties for the inclusion of flood-control reservoirs in the emergency relief program. These parties have been advised that only those projects will be considered which are sponsored by duly established public agencies—

I want the Senator from Michigan [Mr. VANDENBERG] to listen to the condition he lays down—

prepared to furnish rights-of-way without cost to the United States, to accept responsibility for the maintenance and operation of the completed structures, and for any damages to private property incident to construction. In addition, the applications are carefully analyzed by this office with a view to determining their eligibility for inclusion in the relief program. If the cost per man-year is considerably in excess of the figure established for the projects to be included in the relief program, the applicants are advised accordingly and an application is not submitted for the project.

At the present time only six reservoirs have met the conditions established. These reservoirs are located at Fort Supply, Okla.; Optima, Okla.; Conchas, N. Mex.; Caddo Lake, La.; Great Salt Plains, Okla.; and Wallace Lake, La. The project for Caddo Lake, La., is for the raising of the existing dam.

This Department has also recommended the inclusion of seven reservoir projects in the Yazoo Basin, for which local interests have not agreed to furnish the necessary rights-of-way. However, this recommendation was based on a report submitted to Congress by the Chief of Engineers recommending this work as a modification of the authorized Mississippi flood-control plan.

This Department has also received a number of applications for miscellaneous flood-control projects, consisting in the construction of levees and cut-offs. These projects have been analyzed in the same way as the reservoir projects, and only those projects which would appear to meet the requirements of the emergency-relief program have been recommended for inclusion in that program.

I shall be pleased to furnish you with any additional information desired.

Very truly yours,

E. M. MARKHAM,
Major General, Chief of Engineers.

The latter part of the letter is not material to the present discussion, but I have inserted the letter in its entirety.

I also desire to have included in the RECORD a statement of the Interstate Water Commission for New Mexico, prepared by Mr. Arch Hurley, setting forth some of the benefits which will accrue from the building of the Conchas Reservoir.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Re: Application No. 192, NEC, Conchas Dam, South Canadian River, $4,500,000. Brief of Arch Hurley, Interstate Water Commissioner for New Mexico.

I wish to submit the following in support of the above-mentioned application, which is now pending before the Advisory Committee on Allotment, for the information of Maj. Gen. Edward M. Markham, Chief of Engineers:

1. The construction of this project, from the flood-control standpoint alone, would seem to be entirely justifiable. It is believed the construction of this dam would result in an actual saving of approximately $350,000 by eliminating damage by reason of disastrous floods in the South Canadian River. A careful analysis of damages caused by floods in this river for the past many years indicates that the estimated saving of $350,000 per year is a conservative estimate. In this connection, your attention is respectfully directed to the report filed by the Arkansas Basin Committee to the Public Works Administration. The findings set forth in this report are based on a conscientious and careful investigation by the committee covering a long period of time, in collaboration with officials of the States of New Mexico, Texas, and Oklahoma.

2. It is conservatively estimated that this construction would result in the employment of approximately 4,000 laborers directly employed at the site, in addition to probably considerably in excess of that number who would receive employment indirectly through the building trades, manufacturing concerns, stimulation of railroad business, and general improvement throughout the area involved.

3. The conservation of water throughout this area has long been recognized as of primary importance and this project would be most beneficial from this standpoint also. The construction of this reservoir would also result in furnishing an adequate water supply for domestic purposes, for adjacent towns and cities of New Mexico and the Panhandle of Texas, including Amarillo, Tex., a city of some 50,000 population, as well as other west Texas cities in this general area. Records covering a period of some 25 years indicate a steady lowering of the water level throughout this general area, constituting a serious menace to the future water supply of this section of New Mexico and the adjoining west Texas area. It is believed the construction of this reservoir is absolutely essential to obviate a present deficiency in the water supply for the communities within the area mentioned.

4. It is believed the records in the office of the Federal Emergency Relief Administration will indicate that the relief situation in San Miguel County, N. Mex., the county in which this reservoir is proposed to be constructed, and the surrounding counties in both New Mexico and Texas, is such as to readily absorb the labor necessities of this project and that without construction of the magnitude contemplated by this project, the relief-roll situation could not be adequately provided for.

5. In addition to the foregoing, this project will make possible the irrigation of a considerable area, which is largely devoted to stock farming and culivation of crops by dry-farming methods. In other words, the irrigation of these lands would merely mean the substitution of farming through irrigation for the present farming by dry-farming methods. This area is not adapted to the raising of cotton or other crops which would come into competition with general agricultural commodities. It is principally adapted to the raising of alfalfa and other feed for range livestock, a local market for which is readily available in New Mexico and west Texas. The lands proposed to be irrigated from this reservoir would be ideally suited to resettlement projects. They would afford homes and means of livelihood to those in need of rehabilitation. The lands of this project would not be subject to droughts or other hazards pertaining in the cultivated areas depending upon rainfall alone, but with the adequate water supply afforded by the proposed reservoir the raising of a crop each and every year would be assured.

Mr. HATCH. Mr. President, I invite the attention of the Senate to another situation with reference to the Conchas Reservoir which makes it somewhat different, I think, from other projects. The House of Representatives at the last session passed an omnibus flood-control measure. Included in that bill is the Conchas Reservoir. That bill was favorably reported by the Commerce Committee of this body to the Senate at the last session. Therefore, at the last session of the Congress this project had the approval not only of the Army engineers and the House of Representatives, which by its vote passed the bill authorizing the project, but it had the approval of this body by the recommendation of a standing committee of the Senate. I think clearly it is well within the technical objections raised yesterday as to rule XVI.

There is another reason, Mr. President, which to me is of vast importance and of vast interest, why this project should be authorized and why the amendment should be adopted. We have discussed the authorization given to the President of the United States under the general relief appropriation of $4,000,000,000 at the last session. I went to the President of the United States, as other Senators from the Western States went to him, and advocated and insisted that the Emergency Relief funds be spent on worth-while projects, of permanent, lasting benefit. I further insisted to the President of the United States that the building of the Conchas Reservoir was such a project; that it would add material value to my State from the standpoint of wealth and, in addition to that, would give employment to many hundreds of residents of New Mexico. It is estimated that 3,000 workers will be employed on this project. The Works Progress Administration, through its engineering department, I am

advised, approve the Conchas Dam as being the best work-relief project of its nature and kind which has been submitted. More than $2,000,000 have been or will be spent upon the project by the 1st of July this year. I am informed there is a possibility that work will have to be abandoned unless this appropriation shall be made. To me it is of great concern and it is of grave importance to the people of New Mexico that this project be continued, not only for the material wealth which it will add to the State of New Mexico, not only for the prevention of the damage done yearly, according to all reports by all the engineers, by floods along the Canadian River in the States of Oklahoma and Texas, but also because it will provide employment in my State for three or four thousand people at useful work and result in a permanent and lasting improvement.

Mr. President, I wish to say further that this project has another long-range advantage and possibility. It is located in what might be termed the "dust bowl" of the western area. A great many citizens of the United States along the border lines of Kansas, Oklahoma, Texas, and New Mexico for many years have sought to make a living by dry-land farming in that area. That they have not been successful goes without saying. Perhaps the building of this reservoir will add a hundred thousand acres of land which can be placed under irrigation, and the people who have been trying to make a living there on submarginal lands, as they are sometimes called, can be provided with a place where they can establish permanent homes and make their own living, as decent American citizens have a right to do.

Finally, I submit, Mr. President, that this project is of too much importance to be objected to upon any technical grounds or considerations. I trust that the amendment will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. NEELY] on behalf of himself, the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. BILBO], and the Senator from New Mexico [Mr. HATCH].

Mr. COPELAND obtained the floor.

Mr. HARRISON. Mr. President——

Mr. COPELAND. Does the Senator from Mississippi wish to speak on the amendment?

Mr. HARRISON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Holt	Neely
Austin	Connally	Johnson	Norbeck
Bachman	Copeland	Keyes	Overton
Barkley	Couzens	King	Pittman
Benson	Davis	Lewis	Radcliffe
Bilbo	Duffy	Logan	Robinson
Black	Fletcher	Lonergan	Sheppard
Bone	Frazier	McAdoo	Shipstead
Brown	George	McGill	Smith
Bulkley	Gerry	McKellar	Steiwer
Bulow	Gibson	McNary	Thomas, Utah
Burke	Glass	Maloney	Townsend
Byrd	Hale	Metcalf	Vandenberg
Capper	Harrison	Minton	Van Nuys
Caraway	Hatch	Murphy	Wheeler
Carey	Hayden	Murray	White

The PRESIDENT pro tempore. Sixty-four Senators having answered to their names, a quorum is present.

Mr. HARRISON. Mr. President, as I know Senators are anxious to vote on the pending question I will be very brief.

I hope no Senator will get the very wrong impression that the pending amendment is like the amendment which was rejected a while ago. It is now divorced from the Florida project; it is divorced from the Maine project, and stands upon its own footing. The Board of Army Engineers recommended the three projects. The Senator from Michigan [Mr. VANDENBERG] was uncertain about the New Mexico project, but he heard the speech of the Senator from New Mexico [Mr. HATCH] and, of course, is now convinced.

Mr. VANDENBERG. No; I am now more uncertain than ever.

Mr. HARRISON. The Senator from New Mexico convinced me that the Board had recommended that project because he read from the report of the Chief of the Board of Army Engineers.

I am glad the Senator from Michigan has raised no point with reference to the Mississippi project because it has been studied not only by the committees of the Senate, but by the Board of Army Engineers. The Commerce Committee made a favorable report upon the project and the Board of Army Engineers has recommended it very strongly. Indeed, every requirement for the project has been met and complied with. The people have provided the land at most reasonable figures, and are all ready to proceed with the work upon this great reservoir.

The reservoir will be constructed in the Mississippi Delta and in that section of the Delta which for years and years has paid taxes to provide levees against overflow from the Mississippi River. I have no doubt that in the past the flood waters from the Mississippi have cost that section of my State hundreds of millions of dollars. Even though this reservoir is to be constructed at a point 50 miles east of the Mississippi River, yet the people in that section of the Delta are taxed to pay for levees along the Mississippi River. Fifty million dollars has been raised for that purpose, of which the people in the Yazoo Delta, in which this reservoir will be constructed, have contributed $20,000,000. They will provide for the upkeep of the reservoir. I am sure the project will appeal to the wisdom and conscience of Senators.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. VANDENBERG. Will the Senator tell me the present status of the project? Has construction been entered upon at all or is it still in contemplation?

Mr. HARRISON. The project was approved by the President with the condition that options must be obtained upon lands to be covered by the reservoir. Those options have been acquired at most reasonable figures, which have been approved by the Board of Army Engineers. In other words, the people of the locality have complied with every condition that must be met prior to the beginning of construction of the project.

Mr. VANDENBERG. It will be some time, will it not, before actual work of construction is begun?

Mr. HARRISON. If we should get this little $2,500,000 this week—and the Senator will note I say "little"—work would probably be started within 10 days. When the construction of the reservoir shall have been completed, several million dollars will be saved to the property owners of that rich and fertile section of Mississippi, to say nothing of the saving of the lives of many of my people.

Mr. VANDENBERG. What is to be the final cost of the project?

Mr. HARRISON. I believe some $9,000,000. No great, ambitious scheme is contemplated in the construction of this particular reservoir.

Mr. President, I hope the Senate will adopt the amendment, because it is not out of order and the project has been recommended by the Board of Army Engineers.

Mr. COPELAND. Mr. President, of course, in view of the action of the Senate yesterday, I cannot interpose a point of order against the amendment. Nevertheless, I think it is clearly out of order. The projects covered by the amendment may be slightly better, so far as that is concerned, than the Florida project; but still they are not authorized according to law as I understand the law.

I should like to say to my colleagues that a flood-control bill will come before the Senate next week. We hope to have a report on the bill from the Commerce Committee in a few days. If those who advocate these projects could secure final reports from the Army Engineers and bring them to the Commerce Committee, I am sure they would be given very kindly consideration.

As the Senator in charge of the bill, I hope the amendment will not be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from West Virginia [Mr. NEELY] on behalf of himself, the senior Senator from Mississippi [Mr. HARRISON], the junior Senator from Mississippi [Mr. BILBO], and the Senator from New Mexico [Mr. HATCH]. [Putting the question.] The Chair is in doubt.

Mr. HARRISON. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. FRAZIER (when Mr. NYE's name was called). My colleague [Mr. NYE] is unavoidably absent. He is paired on this question with the junior Senator from Florida [Mr. TRAMMELL]. If my colleague were present, he would vote "nay"; and I understand that if the junior Senator from Florida were present he would vote "yea."

The roll call was concluded.

Mr. BILBO. I have a general pair with the Senator from Iowa [Mr. DICKINSON]. I transfer that pair to the Senator from New Mexico [Mr. CHAVEZ], and will vote. I vote "yea."

Mr. BARKLEY. I have a general pair with the senior Senator from Delaware [Mr. HASTINGS]. I transfer that pair to the junior Senator from Louisiana [Mrs. LONG], and will vote. I vote "yea."

Mr. HATCH. My colleague [Mr. CHAVEZ] is unavoidably detained from the Senate and out of the city. If present, he would vote "yea."

Mr. LEWIS. I announce that my colleague [Mr. DIETERICH], if present, would vote "yea."

Mr. FLETCHER. I announce that my colleague [Mr. TRAMMELL] is absent on account of illness. I will let this announcement stand for the day.

Mr. AUSTIN. The Senator from New Jersey [Mr. BARBOUR] is necessarily absent. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

Mr. HAYDEN. I announce that my colleague the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained.

Mr. LEWIS. I announce that the Senator from Alabama [Mr. BANKHEAD] is detained on account of illness; and that the Senator from North Carolina [Mr. BAILEY], the Senator from North Carolina [Mr. REYNOLDS], the Senator from South Carolina [Mr. BYRNES], the Senator from Ohio [Mr. DONAHEY], the Senator from Georgia [Mr. RUSSELL], the Senator from Idaho [Mr. POPE], the Senator from Washington [Mr. SCHWELLENBACH], the Senator from Massachusetts [Mr. WALSH], and the Senator from New York [Mr. WAGNER] are detained in important committee meetings.

I also announce that the Senator from Massachusetts [Mr. COOLIDGE], the Senator from Oklahoma [Mr. THOMAS], the Senator from Oklahoma [Mr. GORE], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Louisiana [Mrs. LONG], the Senator from Nevada [Mr. MCCARRAN], the Senator from New Jersey [Mr. MOORE], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and my colleague the Senator from Illinois [Mr. DIETERICH] are unavoidably detained.

The Senator from Colorado [Mr. COSTIGAN] is detained on important departmental matters.

The result was announced—yeas 37, nays 27, as follows:

YEAS—37

Adams	Duffy	Logan	Robinson
Bachman	Fletcher	McAdoo	Sheppard
Barkley	George	McGill	Shipstead
Benson	Gerry	Minton	Smith
Bilbo	Harrison	Murphy	Thomas, Utah
Black	Hatch	Murray	Van Nuys
Bone	Hayden	Neely	Wheeler
Byrd	Holt	Overton	
Caraway	Johnson	Pittman	
Connally	Lewis	Radcliffe	

NAYS—27

Austin	Clark	Hale	Metcalf
Brown	Copeland	Keyes	Norbeck
Bulkley	Couzens	King	Steiwer
Bulow	Davis	Lonergan	Townsend
Burke	Frazier	McKellar	Vandenberg
Capper	Gibson	McNary	White
Carey	Glass	Maloney	

NOT VOTING—32

Ashurst	Costigan	Long	Russell
Bailey	Dickinson	McCarran	Schwellenbach
Bankhead	Dieterich	Moore	Thomas, Okla.
Barbour	Donahey	Norris	Trammell
Borah	Gore	Nye	Truman
Byrnes	Guffey	O'Mahoney	Tydings
Chavez	Hastings	Pope	Wagner
Coolidge	La Follette	Reynolds	Walsh

So the amendment offered by Mr. NEELY on behalf of himself, Mr. HARRISON, Mr. BILBO, and Mr. HATCH was agreed to.

Mr. COPELAND. Mr. President, this amendment having been adopted, I ask the Senate to turn to page 69, line 23. I move to reconsider the vote by which the amount was made $188,677,899, and change it to $196,677,899, so that it will include these items in the bill.

The PRESIDENT pro tempore. Without objection, the vote will be reconsidered; and, without objection, the amendment offered by the Senator from New York to correct the total will be agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 1398. An act to provide for the establishment of a Coast Guard station at or near Crescent City, Calif.;

H. R. 8370. An act to provide for the establishment of a Coast Guard station at Port Washington, Wis.;

H. R. 8414. An act to provide a preliminary examination of the Yakima River and its tributaries and the Walla Walla River and its tributaries in the State of Washington, with a view to the control of their floods;

H. R. 8694. An act to provide a preliminary examination of Chickasawha River and its tributaries in the State of Mississippi, with a view to the control of their floods;

H. R. 9235. An act to provide for a preliminary examination of the Cosatot River in Sevier County, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements, with a view to the controlling of floods;

H. R. 9236. An act to authorize a preliminary examination of the Red and Little Rivers, Ark., insofar as Red River affects Little River County, Ark., and insofar as Little River affects Little River and Sevier Counties, Ark., to determine the feasibility of leveeing Little River and the cost of such improvement, and also the estimated cost of repairing and strengthening the levee on Red River in Little River County, with a view to the controlling of floods;

H. R. 9249. An act to provide for a preliminary examination of the Little Missouri River in Pike County, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements, with a view to the controlling of floods;

H. R. 9250. An act to provide for a preliminary examination of the Petit Jean River in Scott and Logan Counties, Ark., to determine the feasibility of cleaning out the channel and leveeing the river and the cost of such improvements, with a view to the controlling of floods;

H. R. 9267. An act to provide for a preliminary examination of Big Mulberry Creek in Crawford County, Ark., from the point where it empties into the Arkansas River up a distance of 8 miles, to determine the feasibility of cleaning out the channel and repairing the banks, and the cost of such improvement, with a view to the controlling of floods;

H. R. 9874. An act authorizing a preliminary examination of Cadron Creek, Ark., a tributary of the Arkansas River;

H. R. 10487. An act to authorize a survey of Lowell Creek, Alaska, to determine what, if any, modification should be made in the existing project for the control of its floods;

H. R. 10583. An act to authorize a preliminary examination of the San Diego River and its tributaries in the State of California, with a view to the control of its floods;

H. R. 11042. An act authorizing a preliminary examination of the Matanuska River in the vicinity of Matanuska, Alaska; and

H. R. 11073. An act granting the consent of Congress to the State Highway Commission of Missouri to construct,

maintain, and operate a free highway bridge across the Current River at or near Powder Mill Ford on route no. Missouri 106, Shannon County, Mo.; to the Committee on Commerce.

H. R. 2737. An act extending and continuing to January 12, 1938, the provisions of the act entitled "An act authorizing the Secretary of the Interior to determine and confirm by patent in the nature of a deed of quitclaim the title to lots in the city of Pensacola, Fla.", approved January 12, 1925;

H. R. 5722. An act to provide for the addition or additions of certain lands to the Colonial National Monument in the State of Virginia;

H. R. 8431. An act to provide for the establishment of the Fort Frederica National Monument, at St. Simon Island, Ga., and for other purposes; and

H. R. 10094. An act to amend section 1 of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269); to the Committee on Public Lands and Surveys.

H. R. 3369. An act for the relief of the State of Alabama;

H. R. 3629. An act to authorize the acquisition of additional land for the use of Walter Reed General Hospital;

H. R. 10182. An act to authorize the Secretary of War to acquire the timber rights on the Gigling Military Reservation (now designated as Camp Ord), in California; and

H. R. 10388. An act to aid the veteran organizations of the District of Columbia in their joint Memorial Day services at Arlington National Cemetery and other cemeteries on and preceding May 30; to the Committee on Military Affairs.

H. R. 4688. An act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes; to the Committee on Education and Labor.

H. R. 4886. An act providing for the employment of skilled shorthand reporters in the executive branch of the Government;

H. R. 9671. An act to authorize the Secretary of the Treasury to dispose of material to the sea-scout service of the Boy Scouts of America; and

H. R. 10187. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.; to the calendar.

H. R. 6773. An act to deepen the irrigation channel between Clear Lake and Lost River, in the State of California, and for other purposes; and

H. R. 10751. An act to further extend relief to water users on United States reclamation projects and on Indian irrigation projects; to the Committee on Irrigation and Reclamation.

H. R. 8759. An act to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended; to the Committee on Agriculture and Forestry.

H. R. 9472. An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899; to the Committee on Claims.

H. R. 9496. An act to protect the United States against loss in the delivery through the mails of checks in payment of benefits provided for by laws administered by the Veterans' Administration; to the Committee on Post Offices and Post Roads.

H. R. 9673. An act to authorize the recoinage of 50-cent pieces in connection with the California-Pacific International Exposition to be held in San Diego, Calif., in 1936; and

H. R. 10489. An act to authorize the coinage of 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the founding and settlement of the city of New Rochelle, N. Y.; to the Committee on Banking and Currency.

H. R. 9991. An act to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States" approved July 10, 1935; to the Committee on Immigration.

H. R. 10135. An act to authorize the construction of a model-basin establishment, and for other purposes; to the Committee on Naval Affairs.

H. R. 10985. An act to repeal Public Law No. 246 of the Seventy-second Congress; to the Committee on Public Buildings and Grounds.

H. R. 11098. An act to provide for terms of the United States District Court for the Middle District of Pennsylvania to be held at Wilkes-Barre, Pa.; to the Committee on the Judiciary.

H. R. 10321. An act to amend section 4 of Public Act No. 286, Seventy-fourth Congress, approved August 19, 1935, as amended; and

H. J. Res. 305. Joint resolution accepting the invitation of the Government of France to the United States to participate in the International Exposition of Paris—Art and Technique in Modern Life, to be held at Paris, France, in 1937; to the Committee on Foreign Relations.

H. J. Res. 412. Joint resolution to authorize an investigation of the means of increasing capacity of the Panama Canal for future needs of interoceanic shipping, and for other purposes; to the Committee on Interoceanic Canals.

PAYMENT OF CERTAIN ENLISTED MEN NEW HAMPSHIRE NATIONAL GUARD

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3173) to authorize and direct the Secretary of the Treasury to pay men formerly enlisted as members of Battery D, One Hundred and Ninety-seventh Coast Artillery (Antiaircraft), New Hampshire National Guard, for armory training during the period from November 1, 1932, to July 1, 1933, which was, on page 1, line 8, after "Guard", to insert "in full settlement of their claims against the United States"; on page 2, line 4, after "promulgated", to insert: ": *Provided*, That the Secretary of War shall have first determined the persons who are entitled to pay under this act: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000"; and to amend the title so as to read: "An act for the relief of certain formerly enlisted members of Battery D, One Hundred and Ninety-seventh Coast Artillery (Antiaircraft), New Hampshire National Guard."

Mr. BROWN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

THIRD TRIENNIAL MEETING OF THE ASSOCIATED COUNTRY WOMEN OF THE WORLD

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2664) to aid in defraying the expenses of the Third Triennial Meeting of the Associated Country Women of the World, to be held in this country in June 1936, which was, on page 1, line 5, to strike out "$5,000" and insert "$10,000."

Mr. CAPPER. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the President pro tempore:

S. 37. A bill authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.;

S. 1307. An act to establish the Homestead National Monument of America in Gage County, Nebr.;

S. 1453. An act to create a board of shorthand reporting, and for other purposes;

S. 1470. An act to provide a preliminary examination of Spokane River and its tributaries in the State of Idaho with a view to the control of their floods;

S. 3281. An act to amend the act of February 16, 1929, entitled "An act to amend the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service', approved June 10, 1922, as amended";

S. 3453. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel; and

S. J. Res. 165. Joint resolution directing the Architect of the Capitol to accept a copy of the painting Liev Eiriksson Discovers America.

WAR DEPARTMENT APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 11035) making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1937, and for other purposes.

Mr. STEIWER. Mr. President, I desire to speak about a feature of the bill which was considered by the Senate upon yesterday in connection with the appropriations for seacoast defenses.

The Senate agreed to the amendments proposed by the committee, and struck from the bill certain items which had been included by the House of Representatives. These items consisted of $3,000,000 for the Pacific coast seacoast defenses, $3,000,000 for those in Hawaii, and I think $725,000 for the defenses of the Panama Canal. The total of the reductions to which the Senate yesterday gave its assent is $1,793,944. Of this amount, the War Department advises me that $1,177,621 is necessary for the maintenance of the existing fortifications. As a result of the action which we took yesterday, there is left only $540,000—to be exact, $543,347—for the improvement of all these defenses upon the Pacific coast, in the Territory of Hawaii, and in the Canal Zone.

This sum of $540,000 will be divided in something like an equal division as between the three different areas to be defended. This, of course, means that there will be something like $200,000, or possibly less than $200,000, for each one of the areas.

I think Senators should know that the coast defenses are being constructed under a program which the War Department has most carefully considered over the years, and which it has adopted after very thorough study. The requirements of this program are something like $15,000,000. At the rate at which we shall go under the action taken yesterday, it will take approximately 75 years to complete this program of coast defense; and it is obvious to those who give the matter only a moment's thought that long before the program shall have been completed it will be obsolete, and the whole effort of the Nation to provide an adequate seacoast defense will come to nothing.

I do not wish to detain the Senate to discuss a matter of this kind, nor shall I ask for a reconsideration of the action taken by the Senate upon yesterday. There is some justification for the course we are pursuing. The chief basis in justification, as I regard the matter, is that these items in excess of $6,000,000 were not in the estimates of the Bureau of the Budget. They were, nevertheless, included by the House of Representatives at the time it considered and passed the bill.

There may be adequate reason for the elimination of the items. I do not wish to be contentious about the matter; but I do express the hope that the conferees of the Senate, in case there shall be a conference upon the bill, will give to the viewpoint of the House the consideration to which I think it is entitled.

It would appear that there is abundant argument in support of the appropriations voted by the House or at least for the inclusion in this bill of some considerable portion of those appropriations, so that this important item of national defense shall not in the name of economy be reduced to the point of a farce.

Having expressed this hope, and having called attention to the matter, I am quite content to let it rest as it is.

Mr. FRAZIER. Mr. President, I send to the desk an amendment, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The LEGISLATIVE CLERK. On page 60, line 14, after the word "Corps", it is proposed to insert:

Provided further, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory military course or military training in any civil school or college, or for the pay of any officer, enlisted man, or employee at any civil school of college where a military course or military training is compulsory; but nothing herein shall be construed as applying to essentially military schools or colleges.

Mr. FRAZIER. Mr. President, the amendment which I have offered simply provides that none of the money appropriated in the War Department appropriation bill shall be used in schools and colleges where there is compulsory military training. It would not prevent military training in schools; it would only prevent the use of the money where there is compulsory military training.

There is an organization of young people, headed by what is known as the Committee on Militarism in Education, which has worked on this proposition for a number of years. Polls have been taken in the schools in various States, and also a general poll of the voters of the States, and in all instances the vote has been recorded in favor of an amendment of the kind I have offered; that is, against compulsory military training in our educational institutions.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. WALSH. Are there institutions which require compulsory military training?

Mr. FRAZIER. Oh, yes.

Mr. WALSH. What are they, and where are they located?

Mr. FRAZIER. The Massachusetts Institute of Technology is one of them. I have forgotten the exact number, but I have a list of them here somewhere.

Mr. WALSH. Is there a substantial number of such institutions?

Mr. FRAZIER. There are many of them, including land-grant colleges. In my State both the State University and the Agricultural College, separate institutions, require military training. In other words, if a boy from the farm in North Dakota goes to the agricultural college in order to obtain training in agriculture, if he is an able-bodied boy, in order to get a diploma at that agricultural college—and I may say that we have a good agricultural college in North Dakota—he must take at least 2 years of military training. The same statement applies to our State University. The same thing is true in practically every State of the Union, with the exception of Wisconsin and Minnesota. In Wisconsin the State legislature passed an act prohibiting compulsory military training in their colleges and universities. In Minnesota the State board of administration, or of education—I do not remember the exact title—adopted a provision of the same kind.

The argument is made that boys do not necessarily need to attend such colleges unless they desire to, but that is hardly a fair argument, because in most instances they must attend an institution in their own States if they are to go to college or to a university; and in North Dakota, as in many other States, if they desire to attend college and get a degree they have to take 2 years of compulsory military training.

During the past few years a number of students, because of religious scruples or some conscientious objection, have

refused to take military training, and in several instances the cases have been taken to court. The courts have invariably held that the young man must take the course prescribed if he desires to go to school and get a degree.

Such a case occurred at the University of Maryland. Two young men there, one a Methodist, the other a Unitarian, refused to take the military training. The Baltimore superior court ruled against the University of Maryland. The case was taken to the State court of appeals, and there the university was sustained, and the boys were expelled from college.

In 1933 two students at the University of California who happened to be Methodists refused to take military training. The case went to court and was carried clear to the Supreme Court of the United States. I have an extract from the opinion handed down by Justice Butler in the California case, from which I desire to quote just a few words:

> The conscientious objector is relieved from the obligation to bear arms in obedience to no constitutional provision, express or implied; but, because, and only because, it has accorded with the policy of Congress thus to relieve him. * * * The privilege of the native-born conscientious objector to avoid bearing arms comes not from the Constitution but from the acts of Congress. That body may grant or withhold the exemption as in its wisdom it sees fit; and if it be withheld, the native-born conscientious objector cannot successfully assert the privilege.

In other words, according to this decision of the Supreme Court, and the decisions of some of the State courts, the only way in which conscientious objectors can avoid compulsory military training is by an act of Congress, and it seems to me it is only fair to attach this amendment to the pending bill, and provide that none of the money shall be spent in colleges or universities or schools where there is compulsory military training.

There is also compulsory military training in high schools. At Bangor, Maine, a boy who was the son of a professor in the Bangor Theological Seminary, while going to high school, made up his mind that he did not wish to take the military training, and he appealed to the faculty. The faculty held that he would have to take military training. There was quite a time about it, and I have an article here from the Christian Century Magazine under date of March 11, 1936, which refers to a number of cases where it was held that boys who refused because of conscientious scruples to take military training must either forego their college education, or at least their degrees, or take the training. Some of the universities have held that they will allow a boy to attend classes, and so forth, but will not give him his degree unless he complies with the compulsory military feature. This article mentions the school in Massachusetts of which I spoke, referred to here as the "M. I. T". It was held in the case referred to here that the boy would not be allowed to graduate unless he took military training.

I shall not take much time in discussing this matter, but I feel that there is a great demand for the amendment I have offered. A vote has been taken in practically every State university and college and high school where there is compulsory military training, and the result has been an overwhelming verdict, or at least the expression of a majority, opposed to compulsory military training.

Some of our Army officers have stated that where there has been a change from compulsory military training to voluntary or elective military training, they get a better class of young men in the R. O. T. C., because where there is an elective course only those who desire to take the course pursue the military training and go through with the 4-year course. At the present time 2 years' training is compulsory, and the other 2 years is elective.

Mr. WALSH. Mr. President, I should like to inquire of the Senator whether the requirement of military training applies where the individual pays his tuition in order to attend the school?

Mr. FRAZIER. Oh, yes; in some institutions where they pay tuition, and in other institutions, such as State institutions, where no tuition is paid.

Mr. WALSH. I suppose in State institutions no tuition is required; but I know that in the Massachusetts Institute of Technology tuition is required. I am surprised to learn that where a pupil pays tuition voluntarily he is required to take military training.

Mr. FRAZIER. Of course, the argument is made that the boy does not need to attend that particular school unless he desires to do so, and he knows that military training is part of the course. In some instances the fact is that colleges have gone so far as to allow the students to select different courses, even required courses, and to select practically their own courses; but when it comes to military training they have to take that if they desire to graduate and get a diploma.

Mr. WALSH. So it seems that in some institutions, regardless of whether the tuition is free or paid for by the individual students, they are compelled to take military training?

Mr. FRAZIER. That is correct.

Mr. BONE. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. BONE. If the Senator's amendment were adopted, would its effect be to permit students entering colleges to elect whether or not they would take military training?

Mr. FRAZIER. It would be an elective course and not a compulsory course—that is, if money from the Army appropriation act is to be expended there in the employment of officers and the promotion of the training of the R. O. T. C.

Mr. BONE. In other words, the adoption of the amendment would not deprive a boy of an education because he did not want to take military training?

Mr. FRAZIER. Oh, no!

Mr. BONE. It would not summarily cause him to be kicked out of school?

Mr. FRAZIER. Oh, no!

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. DUFFY. The Senator states that the fact that a boy is compelled to take military training in a college or university has some bad reaction upon the boy himself. Does the Senator put his objection to it upon that ground, or upon the other ground that there might be some religious objection?

Mr. FRAZIER. I am speaking of compulsory military training as it affects the conscientious objectors, those who do not wish to take military training. I do not object to having military training in schools if the students desire to have it and to take military training; but I do object to the compulsory feature of it in our public schools and universities and colleges.

Mr. DUFFY. I have in mind—I think I have mentioned it to the Senator in a previous debate—the fact that at the time I was in the university, if I had had my own way about it, I am quite sure I should not have taken military training. I was compelled to do so; and when the war came on, and I wanted to do my part, I was very happy to have had that training. I do not think there is anything about it which is detrimental so far as the reaction upon the individual boy is concerned. I really think that during the last war a great many of the boys who served on our side were very glad they had been compelled to take that course in the schools. In our school the only way to avoid military training was to get on the athletic team. I recall getting out and making the track team one year in order to avoid military training. I did, however, have some military training there, and it stood me in very good stead. I wonder why it is not proper to leave it entirely up to the school administrations to determine whether or not they desire to have it.

Mr. FRAZIER. Mr. President, the Senator's reference to his own experience in the university recalls my own experience. I took the military course for 2 years, which was compulsory; but during the fall term I was excused because I was on the football team. I think I got more actual exercise on the football team than in the military training squad.

The number of these schools has been increasing rapidly, and the amount of money being spent is being considerably increased. It is felt by a great many that military training in the schools has a tendency toward militarization of our public schools and our universities.

I know the argument is made that the State institutions, or the boards which control the State institutions, may

regulate the military course if they wish to do so; that they may make it elective. There seems, however, to be a sort of a standing gentleman's agreement between the War Department and the educational boards that unless they have compulsory-military training they will not be able to get money from the War Department or secure the detail of officers from the War Department. Many of the institutions are short of money, especially during these hard times, and they keep up compulsory-military training in order to get money from the War Department. Otherwise they would necessarily, of course, be obliged to hire instructors in gymnasium work or to teach in some other line of exercise.

I appreciate the fact that the amendment under discussion has been offered in the Senate many times and voted down. When the bill was considered in the House a similar amendment was offered but was defeated. Nevertheless, I am strongly of the opinion that the amendment is only fair and absolutely right, and that it should be adopted.

The Senator from Wisconsin [Mr. DUFFY] knows, I am sure, that in the University of Wisconsin, since the compulsory feature has been eliminated, they still have the elective course; and, according to some of the instructors there and some of the Army officers themselves, the boys who take the course make better officers, because they are taking military training as an elective course and not as a compulsory course. They are interested in military training, and wish to take up that line of work.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. FRAZIER. I yield.

Mr. DUFFY. I suppose the same boys who took the compulsory course would take the elective course. The only difference is that more of them would be taking it under the compulsory system than under the elective system.

Mr. FRAZIER. That is it. It also costs more money under the compulsory system, because there are so many more who take the course and then drop out at the end of the 2 years, and do not go through the 4-year course.

Mr. DUFFY. I was wondering if the Senator knew what difference in cost there would be, say between a regiment containing 300 boys and a regiment containing 600 boys who were being trained. I do not think there would be a great deal of difference in the cost to the Government. Has the Senator any figures on that subject?

Mr. FRAZIER. No; I have not the figures, but there is quite an appreciably less number where the course is elective than where it is compulsory.

A short time ago there was a contest among students on the bill known as the Nye-Kvale bill, which contains a provision similar to this amendment. That bill is now pending before the committee. I have quotations from the essay of the student who won first prize, the one who took second place, and the one who took third place. The first prize was won by Roger E. Chase, of Columbia University, New York City. The first two paragraphs of the essay are rather interesting to me. In the first, he quotes the Secretary of War as follows:

> We won some things from the war that were not on the program. For example, we had a complete demonstration of the fallacy of the old tradition that preparedness prevents war.

That is a quotation from an address by George H. Dern at Riverside, Calif., in December 1931. Then this young man goes on to say:

> In December 1935 Mr. Dern, as Secretary of War, is busy spending the largest peacetime military appropriation in the history of the United States, making capital of "the old tradition that preparedness prevents war" to hasten the drive toward a bigger and better war.

I have read all the statements by these young men, and they are very well written and very intelligent. I should like to have the time to read them all to the Members of the Senate. I am not going to take that time. Every one of them presents what seems to me a very logical argument against the compulsory feature of military training in our colleges and universities. So, Mr. President, I am hopeful that the amendment will be adopted.

Mr. COPELAND. Mr. President, I sincerely hope this amendment will not be adopted. We have the land-grant colleges, which are required by law to give military instruction.

The provision of the bill before us does not require that there shall be compulsory military service. As a Democrat, I am in favor of local self-determination. The law contemplates that each college shall determine for itself whether military service shall be compulsory or otherwise. The States in many instances determine whether or not military service in the colleges shall be compulsory.

Mr. WALSH. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WALSH. Will the Senator state in what year the law was passed setting up this system of granting Federal funds to the colleges?

Mr. COPELAND. In 1862.

Mr. WALSH. I asked the Senator purposely because I observed that it was during the middle of the Civil War. I should like to inquire of the Senator if the fact that we were at war had anything to do with the policy?

Mr. COPELAND. I venture to say it did; but it is not about that phase of the question I wish to speak. It is not the question of preparing young men for war. That is not the important thing about their training.

I am not going to reflect in the least upon the Senator from North Dakota in what I am about to say. I absolve him from any such thoughts. I know he is not associated in any sense with the groups I am about to mention. I say that in advance, so I shall not be misunderstood.

It is remarkable, Mr. President—and I observed it this year more than ever before—that in the hearings before the committee, so far as my recollection goes, there was no attack made upon the established military organization of our country. There was no criticism of what we were proposing to do with regard to the Regular Establishment, the standing Army.

But it was remarkable that the witnesses spoke particularly against the Reserve Officers' Training Corps. Why was that?

Revolutionary movements usually originate in colleges. Indoctrination of youth is a practice of those who desire to overturn government, particularly orderly government. It is well known to those groups who have subversive ideas that it is unwise, if they are going to prevail in the country, to permit the indoctrination of youthful minds with ideas of patriotism and love of country, respect for the flag, and respect for our institutions.

Mr. FRAZIER. Mr. President, will the Senator yield at that point?

Mr. COPELAND. I yield.

Mr. FRAZIER. I submit to the Senator whether he thinks that forcing a high-school boy to take compulsory military training against his own best judgment and best wishes will make him more patriotic? Will forcing him to take military training for 2 years, when he opposes it either because of religious principles or conscientious scruples or for any reason, make him a more patriotic citizen?

Mr. COPELAND. I want to limit the discussion somewhat. I do not believe there is a single high school where there is compulsory military training.

Mr. FRAZIER. Oh, yes; in Bangor, Maine, where a boy was expelled from the high school because he would not take military training. It is almost the same in the District of Columbia.

Mr. COPELAND. Oh, no; not in the District. Did the Senator mention any other point than Bangor, Maine?

Mr. FRAZIER. No; but I believe there are others.

Mr. BONE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BONE. With his indulgence, I should like to call his attention to an item taken from the Washington News of today, which I think has some very definite bearing. That is why, with the indulgence of the Senator from New York, I should like to read this item. It was a comment on the book, The Lost Generation, by Maxine Davis, which has

been published by the Macmillan Co. In this comment the News had this to say:

Eight million American young people, between the ages of 16 and 25, are neither at work nor at school. Idle youngsters just like them were largely responsible for the swift success of fascism in other countries.

That is not the subversive movement the Senator from New York has in mind, and it is not the fascism which men like Hitler and Mussolini represent and promote.

The article goes on to say:

If we don't do something about this problem in a hurry, says Maxine Davis in the Lost Generation (Macmillan), out today, "some self-appointed piper may * * * lead our youth, God knows where."

This young lady, it appears, made a 10,000-mile journey around the country making a survey in this connection. The article proceeds:

If the right leader came along, they might be carried away like their contemporaries in Italy and Germany. If not, she sees the danger of their becoming an embittered, vitiated citizenry of the future. But she found enough sportsmanship, courage, high spirits, optimism, and adaptability to give her some measure of hope for the future.

A tragic aspect of the situation is the rapidity with which youth becomes "obsolete" to employers. Mature men with dependents are usually rehired when business picks up, and even when employers want youth for beginners' jobs they favor the fresh crop.

Graduates of 2 or 3 years back, with a period of bitter idleness or spotty, menial employment behind them, take a back seat. The embarrassment of a businessman with a 25-year-old messenger boy is all too real.

That, as I view it, is the danger, if there is a danger, in this great body of disillusioned young men, and not in the suggestion the Senator made—that the universities of the country are going to turn out young fellows who are going to do something subversive because of something they learn there. Disillusionment of these young men who are turned out of the colleges and universities without hope of jobs, may cause serious trouble. I know hundreds of them in my own State who are disillusioned and heartbroken and embittered by reason of the fact that they can find no place in the scheme of things. That has come home to me, as I assume it has to the Senator from New York.

I beg the Senator's pardon for intruding on his speech.

Mr. COPELAND. I thank the Senator for what he said. If he had been here 2 or 3 weeks ago when I had a colloquy with the Senator from Massachusetts [Mr. WALSH] and expatiated at some length upon the situation as regards the unemployed youth, he would know I share the sentiments expressed by this writer and the implication of the Senator who presented them. Of course, it is a menace to our country. There is no doubt about that. We must find some way to solve the economic problem in order that youth may be employed. I agree to that fully.

Mr. BONE. May I ask the Senator another question?

Mr. COPELAND. Certainly.

Mr. BONE. If I were a young man entering a university and sincerely in my heart I did not care to take military training, why should I be compelled to do so? No matter what my opinions are, why should I be compelled to take it when I do not want it, whatever may be the reason? My motives might be the worst or the best in the world; perhaps my impulses were wrong, but why deprive a boy of education because he does not want to have military training? I cannot see why that should be done.

Mr. BENSON rose.

Mr. COPELAND. I shall reply to the Senator from Washington in a moment, but apparently the Senator from Minnesota [Mr. BENSON] wishes to ask me a question and I yield to him.

Mr. BENSON. Are we to infer from what the Senator just said that compulsory military training in our land-grant colleges is to keep down possible insurrections which may occur at some future period?

Mr. COPELAND. Oh, no; I do not think so. I do not think I ever said that.

Mr. BENSON. The Senator referred to possible insurrections.

Mr. COPELAND. If the Senator will bear with me until I can attempt to explain what I mean, perhaps I can make clear my position.

First, in reply to the Senator from Washington [Mr. BONE], not every college in the United States has military training. There is not an R. O. T. C. in every college in the United States; far from it. Many of the colleges are asking for units, not to make the training compulsory, but in order to provide such training for those who wish it.

If for any reason a boy chose to go to a school where the rule for compulsory military activity prevailed, he would do so voluntarily. If he did not care to go to such a school he would not have to do so. I have had sufficient experience trying to get students to attend a school to learn that there were plenty of other schools than the one I happened to be serving.

It is not necessary for a boy to go to an institution where military attendance is required.

To go back a little further to what the Senator from Washington suggested, he spoke about the ambitious young man who wants to go to school. The boys enrolled in the R. O. T. C. get $12 a month. They not only have the training, but they have $12 a month and certain provisions for uniforms besides. They get $100 a year. In many instances that may be the reason why a boy can go to school. That helps the lad to go to school even though it may be an institution where military activity is required.

Responding to the inquiry of the Senator from Minnesota [Mr. BENSON], while I hesitate to take the time of the Senate, I wish to say to him that the greatest social problem confronting America today is juvenile delinquency, delinquency of youth. The average age of the criminals in all the penal institutions of America is 23 years. The largest age group is found at 19 years, and the next largest age group at 18 years. Our correctional institutions are filled with misguided boys and girls of the impressionable age, the age when, with improper care, the child may become antisocial—not alone nonsocial, but antisocial. He may become imbued with the idea that the accepted social organization ought to be destroyed.

I do not speak about this matter entirely without knowledge of it. God was good enough to grant a great boon to me. I have a boy. So far as my ability permitted, I gave him all the privileges of education possible. He was in the R. O. T. C. at his university for 4 years. He was sufficiently competent so that he became second in command, and also went to Plattsburg. I am here to say that, in my opinion, the finest thing that ever happened to that boy was his experience in the R. O. T. C.

Referring now to thousands of other boys who have been members of the R. O. T. C., there can be no doubt that they learned what it means to be Americans, what it means to belong to our country. They became not only lovers of our country but patriots, anxious to serve our country; not to fight, necessarily; not to go to war; but to make our country in peacetime the the greatest country that can be conceived of by the mind of man. It gave them respect for authority; it gave them regard for our civic institutions; it gave them regard for our political institutions. It made them, in short, better citizens; and I believe with all my soul that the training these lads receive in the R. O. T. C. units is in many ways more important than all they gain in the way of scholastic achievement.

Mr. KING. Mr. President——

Mr. COPELAND. I yield to my friend from Utah.

Mr. KING. I am not sure that my question is pertinent; but I drew the deduction from the Senator's remarks that possibly he had the idea that young men could not learn patriotism other than through military schools. I wish to ask the Senator if it is not a fact that millions of Americans who have not gone through military schools or had military drill are just as patriotic as those who have had military drill.

Mr. COPELAND. It is appropriate that a Senator from Utah should ask that question, because Utah is the one State in the Union where by law the public-school system

has been given supervision of the child for 12 months in the year.

Mr. KING. But this supervision is not military training.

Mr. COPELAND. Not at all. I am not speaking for that. Utah is the foremost State of the Union in grasping this great social problem and offering a solution of it. I congratulate the Senator that he represents a State so forward-looking. It is not military training about which I am talking.

Mr. KING. Mr. President, will the Senator yield again?

Mr. COPELAND. Yes.

Mr. KING. Having paid a compliment to my State, I may say to the Senator that the views of the people of that State have been and are that education must not stop with the public schools, and that, in addition to the curricula in the schools, the students should have the advantage of reasonable supervision to protect them against evil influences and to inculcate principles in regard to peace and sobriety and industry, and equip them for suitable places in the social and economic activities of life. Accordingly, during vacation this supervisory care is continued, and the State is doing everything it possibly can to prepare the young men and women for the responsibilities of life. The result has been that there has been great improvement and great social advancement; and I might add that this system of education imposes very heavy burdens upon the State—burdens which the people willingly bear.

Mr. COPELAND. In my opinion, it is money well spent. I think the State of Utah is to be congratulated. It is doing a wonderful thing for its youth; and I wish wisdom could come to every other State of the Union to do the same thing.

At some time I wish to compare notes with the Senator from Utah on this question, because I am fully informed of what his State has done. I have spoken of it a dozen times or 50 times, hoping the example of Utah might be followed elsewhere.

I desire, however, to go back to college conditions.

Every one of us who attended a college or a university knows how many temptations come to the college student; temptations relating to the appetites—many temptations. I am not here to confess nor to boast, but I am here to say that I am a competent witness by reason of my own experience as a student and by reason of 25 years as a teacher in a college or university. I have had opportunity to observe youth and to know the temptations besetting youth.

It is not possible for a young man who is associated with a military establishment, whether in the regular Military Establishment or in one of the R. O. T. C. units, to wander far from the path of rectitude. It is not long before his officers, major and minor, call him to account for his failure to observe those things which are considered high and right and in accord with the standards which prevail in these military institutions.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. McKELLAR. I have just read rather casually the amendment of the Senator from North Dakota. As I understand, it is to prevent the use for compulsory military training of any of the funds appropriated in this bill.

Is there any such thing in this country? I know of no law which provides for compulsory military training. It is not done by the act of 1862; it is not done by the act of 1916; and, in my judgment, it is not done by any act, except when the country is at war. Have we ever had compulsory military training in this country except when the country was at war?

I do not understand the reason for the amendment.

Mr. COPELAND. Further, I may say to the Senator, we are not now proposing that there shall be compulsory military training.

Mr. McKELLAR. I wish to call the attention of the Senator to the fact that I know a good many high-school and other students in the public schools of my State who take this course; but they are not compelled to take it. It is purely optional as to whether or not they shall take it; and there is no law now in force in this country which provides for compulsory military training.

Mr. FRAZIER. Mr. President, will the Senator yield to enable me to answer the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. FRAZIER. I have in my hand an article by Oswald Garrison Villard, published in the Atlantic Monthly for February 1936, entitled "We Militarize." In speaking of the R. O. T. C. training he says:

> In 1913 there were 57 such institutions giving military training under War Department direction. By 1935 the number had risen to 399. In 1913 there were 85 officers and men on duty in such schools and colleges, and today there are no less than 1,658.

Those schools do not all make military training compulsory, but there are 118 schools and colleges in the United States which compel the student to take 2 years of military training if he is to attend the school and get a degree.

Mr. McKELLAR. Mr. President, there is no Federal law that provides for compulsory military training. I was a Member of the House of Representatives in 1916, and I remember very well the law, because I had a great deal to do with preparing it, which established the R. O. T. C. Since that time that organization has grown considerably, as the article just read states; but membership in it is not compulsory anywhere at any school or college.

Mr. FRAZIER. Oh, yes; it is compulsory. There are 118 colleges and schools where it is compulsory.

Mr. McKELLAR. They have no right to make it compulsory.

Mr. FRAZIER. Oh, yes; they have.

Mr. COPELAND. Mr. President, if the Senator will permit me, they have no right so far as our action is concerned.

Mr. McKELLAR. Certainly not.

Mr. COPELAND. In a great many of the States military training is required in the State institutions. The land-grant colleges feel they are obliged to make it compulsory under the old law.

Mr. President, the desire of the Senator from North Dakota is clear. No matter what the board of trustees of the institution may wish, no matter what the State authorities may wish, or what they feel the law imposes upon them, the Senator does not wish to have any of the money used for any unit of the R. O. T. C. where the particular institution, by reason of local or State laws, feels that military training must be required of every student.

Mr. McKELLAR. Mr. President, the land-grant law of 1862, commonly known as the Morrill Act, does not provide for compulsory military training, under the terms of the law, and no act of the United States Congress now provides for compulsory military training.

Mr. FRAZIER. Mr. President, if the Senator will yield further, the Senator from Tennessee was not on the floor when I offered the amendment and spoke about it.

Mr. McKELLAR. No; I was not.

Mr. FRAZIER. The authorities have gone so far that in a number of cases students who have refused to take military training because of some religious scruple or conscientious objection have been expelled from school. The cases have been taken into court, and have gone clear to the Supreme Court of the United States, and the Supreme Court of the United States has held that a school has the right to have compulsory military training if it so desires; that it may require it.

Mr. McKELLAR. That is a matter which should be fought out in the local school or local community; it certainly has nothing to do with Federal law, because the only body in this country which has a right to declare war is the Congress of the United States. There is no Federal law which provides for compulsory military training. It is not provided for in the original Morrill Act of 1862, and it is not provided for in any law now on the statute books. Why should we attempt to regulate local institutions? It seems to me we would be going very far afield if we should attempt to do so.

Mr. FRAZIER. Mr. President, it is not an effort to regulate local institutions, but to require that the money appropriated by the United States Congress shall not be used

for compulsory military training. The Senator says there is no law to require it, and we do not want it to be used in that way; at least, there are many of us who do not.

Mr. RUSSELL. Mr. President, the effect of the amendment offered by the Senator from North Dakota would be to take the administration of a college out of the hands of the trustees or the local governing body that might be prescribing the courses of study and the rules and regulations of the college, insofar as any military activities may be concerned, and to place the administration solely in the hands of the individual student, and let him prescribe the rules for the institution, insofar as they pertained to military training.

Mr. SHIPSTEAD. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. SHIPSTEAD. The Senator from Tennessee is correct when he says there is no Federal law compelling military training. The State of Minnesota has a land-grant college which used to have compulsory military training, but by action of the board of regents it was made elective, and I think the same thing was done in Wisconsin. However, I cannot but believe that it is an old practice when Congress appropriates money to impose limitations on how the money shall be used. Congress can prohibit the money's being used for compulsory military training if it so desires. Whether the Congress will do so is another matter.

Mr. COPELAND. Mr. President, we are not imposing any requirement upon a local college. It can determine for itself what it wishes to do. But the Senator from North Dakota desires to have the law so framed that if a college does not choose to do away with its rule of compulsory military service, it can have none of the money we appropriate.

Mr. President, I may never be an angel, but I want to be on the side of the angels. I know I am on the side of the angels when I say that the great majority of the people of this country are in sympathy with what we are trying to do for youth. On the other hand, the subversive groups, those having different ideas of government, those who would change existing institutions in the United States, are all on the side of doing away with the R. O. T. C. and throwing every possible embarrassment in its path.

I do not wish to be on that side. I want to be on the other side, to say to these schools, "Here is the money; do with it as you like; compulsory military education or not, as you please. Here are the funds, and God bless you."

We want these R. O. T. C. units to be maintained, and we are going to provide, so far as we can as a Federal Government, for the machinery and the money to operate them. So I am content.

Mr. BENSON. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. BENSON. The Senator has made several remarks in very beautiful language about insurrections in colleges and among college students, and has spoken very eloquently——

Mr. COPELAND. Mr. President, I have not said a word about insurrections in colleges; I have not even intimated that there are insurrections in colleges. So, if the Senator will confine his remarks to what I have said, I shall be well pleased.

Mr. BENSON. I may have misunderstood the Senator, but I think I understand English. The Senator has also remarked, in very beautiful language, about the need of spending this money in order to train young men in order to give them a patriotic understanding and an American understanding of what is going on in this country.

When we appropriate money for roads, we appropriate money for roads, do we not? When we appropriate money for schools, why should we not appropriate the money for schools, and not for military training, and not to educate Army officers? If we want to educate Army officers, let us do it at West Point, or schools which are dedicated to that purpose, and not compel the State of Minnesota or the State of North Dakota or the State of Montana to compel all the students who attend their colleges in order to take up medicine or agriculture or engineering, also to take a course in military tactics. Whether or not I understood the Senator I think there are other Senators here who understood him as I did.

Mr. AUSTIN. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. AUSTIN. I merely wish to say that I desire to take the floor when the Senator from New York is through.

Mr. COPELAND. I wish to answer the question, and then I shall yield the floor.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. WHEELER. With reference to giving military training, it seems to me that what has happened in Japan recently ought to be a lesson to the people of the United States. The Japanese have been giving their young people military training, the result of which has been that the military element has taken over the civil functions of the government. That is one reason why, in my judgment, we should not at this time attempt to build up a great military force in the United States.

Mr. BONE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BONE. I wish to say first to the Senator from Vermont that I am not desirous of taking him off the floor. I simply want to call the attention of the Senator from New York, handling the bill, to a training manual put out by the War Department, for the use of young men in the training courses in our colleges. This manual contains some of the most extraordinary language and proposals that I have ever seen in print. This matter has been previously adverted to on the floor of the Senate by the Senator from Nebraska, Mr. NORRIS. It is not a matter of first impression in the Senate. The title of the manual is "Citizenship." It was prepared under the direction of the Chief of Staff of the United States Army, for use in the Reserve Officers' Training Camps. It bears date of November 30, 1928. I wonder why the War Department, which is merely supposed to be training officers, is telling the young men of this country things of this kind. I am quoting:

> Public utilities corporations build great hydroelectric plants in one State for distribution of power to many. Railroad, telegraph, and telephone companies invest billions of dollars in properties, and conduct their affairs to the benefit and profit of the Nation. Capital is consolidated and labor employed, farms enriched, cities builded, and our citizens bound together in one cooperative, prosperous, happy union by the magic power of interdependent relationships.

If Sammy Insull had written this manual, he could not have written a more subtle and persuasive argument for the Middle West Utilities Co., which took the whole country to the cleaner after this manual was prepared. Why is the War Department, in a training manual prepared for boys in colleges, trying to promote a very high regard for privately owned utilities?

Mr. COPELAND. Mr. President, in just a moment I am going to leave the floor.

If the Senator from Washington does not like the manuals which are put out by the War Department—and he apparently refers to one of ancient vintage—why does he not propose that they stop printing those manuals? If there are Senators here who do not like the R. O. T. C., why do they not propose to wipe out the appropriations for the R. O. T. C.?

Let us be honest about it. Are we for it? Do we want it to go forward? Has it a useful purpose to serve? Does it tend to promote good citizenship? Is it worth while? If it is not worth while, take it out of the bill! But, so far as I am concerned, so long as I can stand on my feet, I am not going to permit anybody to force upon me the idea that the R. O. T. C. is bad. I know differently. But why do not Senators who become excited over compulsory military training be consistent and say, "We will not have any military service"?

Talk about the conscientious objector! It is not the conscientious objector; it is not the pious man; it is not the occasional religionist, who is seeking to do away with military training in these institutions. There is a well-organized movement in the United States of America to make an attack

upon the citizen soldier, upon the National Guard, upon the R. O. T. C., upon the Reserve Officers' Corps.

If we are going to do something for the country such as the Senator from North Dakota desires to do, for heaven's sake, let him move to strike the whole item out of the bill. Then he will be on sound ground. But the occasional cases of conscientious objectors, like occasional swallows, do not make a summer. I have full sympathy for the Senator from North Dakota; but I have no sympathy for the organized movement going on in America against orderly government, against institutions as they now exist, and against the flag itself.

I say to those who wish to be counted that way, "All right; I am going to be 'on the side of the angels.'"

Mr. AUSTIN obtained the floor.

Mr. BONE. Mr. President, will the Senator yield for a few remarks that I desire to make about the document I referred to a moment ago, and then I will yield the floor?

Mr. AUSTIN. I shall yield the floor in a very few moments. My remarks will be very few.

I rise to oppose this amendment upon a ground which has not yet been mentioned. Before stating it I wish to say that I should oppose the amendment upon the same grounds that have already been discussed by those who oppose the amendment, namely, that the R. O. T. C. is a very valuable element of education for citizenship in this country. But the particular point I wish to place in the RECORD tonight, while this matter is fresh, and so that it may be considered in connection with what has already occurred here, is that we are under an obligation as a government not to adopt this amendment, for by the adoption of the amendment we should absolutely repudiate, with all the obnoxiousness of that term, a solemn, binding contract with every State of the Union.

The Morrill Act of 1862 made grants of land scrip which could be converted into money for the purpose of establishing and maintaining universities and colleges in every State in the Union upon condition that those colleges should teach military training. I read, from section 4, a part of the section revealing this condition, because it ought to be considered at this time:

Shall be inviolably appropriated by each State—

That is, the fund—

which may take and claim the benefit of this act, to the endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislatures of the States may respectively prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

SEC. 5. *And be it further enacted*, That the grant of land and land scrip hereby authorized shall be made upon the following conditions, to which, as well as to the provisions hereinbefore contained, the previous assent of the several States shall be signified by legislative acts.

That is only a portion of the Morrill Act of 1862; but the events which followed the passage of that act—namely, legislative acts of every State in the Union accepting the grants upon those conditions—effected a binding obligation upon the several States and the United States which cannot be broken without repudiation.

I have heard much said about compulsory military training. If we are to criticize the inclusion of military tactics in the curriculum of a college and object to that, why not object to the inclusion of French in the curriculum for a bachelor of philosophy degree? If we do not like the idea, why not, by act of the Congress of the United States, exclude from the requirements of a university in the State of Vermont the study of Greek in order to obtain a bachelor of arts degree? As I listened to it, the entire argument seemed to be perfectly absurd that the Congress of the United States should be reaching into the several universities of the country and undertaking to tell them what they shall and shall not include in their prescribed courses.

So far as the freedom of the individual boy is concerned, he does not have to elect a course in any land-grant college which would compel him to perform military service.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. FRAZIER. In the State of North Dakota we have a State university and an agricultural college, separate institutions, located at different places. They are the only two institutions which grant a college degree, with the exception of one small church institution in the State. I should like to ask the Senator where the boys on the farm who want to get agricultural training can go to school without going to an agricultural college? If they go to that agricultural college and get a degree, they must take 2 years of compulsory military training.

Mr. AUSTIN. That is but one of the circumstances in the lives of those boys in North Dakota for whom I am exceedingly sorry, if that is their condition. They are not compelled to perform military service. They are not compelled to take military education anywhere in the United States. They are not compelled to go to any land-grant college in North Dakota. I venture the suggestion, although I am talking about something with which I am unfamiliar, that they could get a liberal education in those very schools mentioned by the learned Senator from North Dakota without taking a degree, and that the doors of the State college or the State university would not be closed in their faces. It would be strange if a State university should close its doors to its own boys and girls, and I apprehend we will not find a single State in the Union that does such a thing.

Mr. FRAZIER. There have been a number of cases at the University of Maryland, just a few miles from the National Capital. Two boys were expelled from that university because they refused to take military training. They took the matter into court. One court upheld the boys, and on appeal the university authorities were upheld and the boys were expelled from school. There have been numerous such cases, one in California and one in Massachusetts, which is pending right now.

Mr. AUSTIN. Mr. President, read the amendment and see what its scope would be if it were enacted into law, how it would operate upon all the land-grant colleges of the United States by the simple method of undertaking to change the policy of the United States with respect to education which has been in operation since 1862, how it would operate to repudiate the obligation which exists between the States and the Federal Government, and how it would operate to violate all those philanthropies and trusts which have been created on the good faith of the contract between the Federal Government and the several States.

Mr. FRAZIER. Mr. President, will the Senator yield at that point?

Mr. AUSTIN. I yield.

Mr. FRAZIER. I should like to have the Senator from Vermont point out where there is anything in the law that requires compulsory military training in any land-grant college or any other college of the United States.

Mr. AUSTIN. I have read it into the RECORD.

Mr. FRAZIER. The Senator from Tennessee just concluded a long discourse proving that there was not any law anywhere. He quoted from the law. He is an eminent lawyer, too. The Secretary of War and the Attorney General have issued their opinions to the effect that military training is not compulsory because of any law enacted by Congress.

Mr. AUSTIN. I believe the Senator from North Dakota and I were not speaking on the same subject. If the Senator will wait a moment, I shall undertake to make clear that to which I was referring. I think the Senator from North Dakota was talking about the obligation of an individual boy. I have not been talking about that. I have been talking about the obligation of the State which accepted land-grant money. When the State accepted the grant from the United States of a sum of money to establish a university, upon the condition that it teach military tactics, it obligated itself to teach military tactics in that

university. The university is under compulsion to teach, but the boys of that State or any other States are absolutely free to take it or leave it as they see fit. That is the difference between the Senator from North Dakota and me.

Mr. BONE. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Washington?

Mr. AUSTIN. I yield.

Mr. BONE. Is the requirement that the college teach military training in language that would compel every male student in a school to submit to military training? Does the Senator feel that the language is sufficiently broad so that the compulsion would rest upon every male student in such a school?

Mr. AUSTIN. I do not believe so. That has not been my opinion and it is not my opinion now.

Mr. WALSH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. AUSTIN. I yield.

Mr. WALSH. I do not know that I comprehend the exact issue before us. As I understand, the present law, where the Federal Government grants funds to educational institutions, is such that the authorities of those institutions may or may not make military training compulsory. Is that correct?

Mr. AUSTIN. That is not correct with respect to the Morrill Land Grant College Act.

Mr. WALSH. With respect to that class of colleges, is military training compulsory?

Mr. AUSTIN. It is compulsory upon the States which accepted that grant. The grant was made to the States upon condition that they would appropriate money for the building or maintenance of a college in which military tactics would be taught.

Mr. WALSH. That, of course, is an entirely different proposition from making military tactics a part of the curriculum of a college and to make it compulsory. Is it the Federal Government or is it the State that makes military training compulsory?

Mr. AUSTIN. The only information I have about that subject is that it is the university itself which makes the rule with respect to what degrees require military tactics as an element of the curriculum. It is just like Greek or Latin or French or German being added to other subjects and balancing a course which entitles a candidate to a certain degree.

Mr. WALSH. I think we all agree that is a perfectly proper procedure; but, as I understand the position of the Senator who has proposed the amendment, it is that there are in fact institutions receiving Federal grants who refuse admission to the school of youths who will not take military training. Is that true or not?

Mr. AUSTIN. I do not know of any that do so.

Mr. WALSH. We ought to have that fact established first.

Mr. AUSTIN. Yes; before we adopt any such amendment as the one now pending.

Mr. WALSH. If that fact does not exist, then the amendment is inconsequential.

Mr. BENSON. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield to the Senator from Minnesota.

Mr. BENSON. For all practical purposes, is it not a fact that a good many of the land-grant colleges have been laboring under the assumption that military training was compulsory upon their part, and that the Federal Government was insisting that military training or military tactics be not optional with all the male students at their schools? Is it not a fact that high-ranking officers of the United States Army have gone into the States in which land-grant colleges are located, and have done everything in their power to create that impression, and have done everything in their power to disparage efforts to make military training optional rather than compulsory?

Mr. AUSTIN. Mr. President, those are questions that I cannot answer. Of course, if they are important, they should be examined into by a committee and carefully studied and considered. My objection to this amendment is that it is an effort to hamstring universities and colleges which depend upon this appropriation for the payment of salaries of teachers of military science.

Mr. FRAZIER. Mr. President, will the Senator yield again?

Mr. AUSTIN. Yes; I yield.

Mr. FRAZIER. I think the Senator is entirely mistaken. There is nothing in the amendment that would hamstring any college or university.

For instance, take the case of the land-grant college of Wisconsin. There the State legislature passed a law against compulsory military training. Military training is still given at that college, but it is optional with the students whether or not they shall take it.

The same thing is true in the University of Minnesota. Just a year or so ago the State board did away with the compulsory feature as to military training in that school.

Mr. AUSTIN. Mr. President, assume that a land-grant college says in its catalog to prospective students, "If you get a degree of bachelor of philosophy from us you will have to take 2 years of military tactics." My friend the learned Senator from North Dakota undoubtedly would assert that military education was compulsory in that college. Another might see the matter in a different light, and say, "Oh, no; if it is true that in that institution one could take a degree of doctor of medicine without having military tactics, it does not come within the scope of this amendment."

Mr. CLARK. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. CLARK. I do not see any necessity, in the matter of appropriations, for making military training compulsory in universities.

I went to the University of Missouri and graduated therefrom. I did not take military training, although I was fond of military drill, because I had already had it in high school. But I graduated from the University of Missouri, as many others did in my time, without taking compulsory military training; and I think probably we were just as good citizens as though we had had compulsory military training.

Why should it be necessary now, 20 years later, to say that a land-grant university shall not receive an appropriation in aid of military training unless it makes military training compulsory on all students? I might want to send my boy to the University of Missouri, where I myself graduated, and might not want him to have military training. Why should not I, as a citizen of Missouri contributing by my taxes to the support of that great educational institution, be permitted to send my boy there without having him compelled by a relatively small appropriation by Congress to undergo military training?

Mr. AUSTIN. Mr. President, that is the reverse of the situation here. Here is an attempt by Congress to coerce these universities. Here is an attempt by Congress to say to the States of the Union, "Your land-grant colleges will have to quit requiring, as a part of the curriculum of any one of these degrees, military tactics." That I regard as a repudiation of the obligation between the United States and the several States established by the Morrill Land-Grant College Act, and the acceptance of it by the solemn acts of the legislatures of the several States.

Mr. BENSON. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.

Mr. BENSON. The amendment does not attempt to do any such thing. The amendment merely states that the taking of military tactics at the university or college shall be optional and not compulsory with the students.

Mr. AUSTIN. Mr. President, let me read the amendment and see if it states any such thing.

On page 60, line 14, after the word "corps", it is proposed to insert:

Provided further, That none of the funds appropriated in this act shall be used for or toward the support of any compulsory

military course or military training in any civil school or college, or for the pay of any officer, enlisted man, or employee at any civil school or college where a military course or military training is compulsory; but nothing herein shall be construed as applying to essentially military schools or colleges.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. CLARK. That amendment certainly does not prohibit the Morrill Act from functioning in its full blossom as it was originally passed by Congress and originally intended, which was, as it was in my day in the university, as I have just said, to have a voluntary system of military training in the universities. The amendment does prohibit the use of the land-grant appropriations by Congress as a fulcrum to compel State colleges and State universities to put in a system of compulsory military education.

Mr. AUSTIN. Mr. President, let me finish my remarks.

What could a land-grant college do without military officers? Nothing. A land-grant college founded upon the condition of teaching military tactics must have military officers to teach military tactics.

Mr. CLARK. Mr. President, will the Senator yield again? I do not wish continually to interrupt him.

Mr. AUSTIN. I have not finished my thought, but I am perfectly willing to yield.

Mr. CLARK. I shall not interrupt the Senator again; but I again suggest that there is no limitation in this amendment on the payment of Army officers or Army enlisted men or noncommissioned officers assigned to duty in land-grant colleges which do not make military training compulsory. The whole point is as to whether the land-grant college shall make the training compulsory or leave it voluntary; and there is absolutely no limitation in this amendment which prevents any land-grant college from setting up any voluntary system of miltiary training it may see fit to set up.

Mr. AUSTIN. Mr. President, a college that cannot prescribe its courses and say what shall be taken in a certain curriculum is no college at all. It is a hybrid institution. There may be such an institution somewhere in the world, but I never heard of it.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes.

Mr. FRAZIER. There are many institutions that do not require military training.

Mr. AUSTIN. That is begging the question; and I am not talking about those institutions. I do not condemn them for not teaching military tactics. That remark is entirely beside the question.

Mr. FRAZIER. There are a great many institutions which have military training but do not make it one of the subjects in the curriculum that must be taken in order to graduate.

Mr. AUSTIN. Very well. They are not land-grant colleges.

Mr. FRAZIER. Oh, yes!

Mr. AUSTIN. Oh, no!

Mr. FRAZIER. I beg the pardon of the Senator. I do not know how many there are; but at least in Wisconsin and Minnesota, with which I am familiar, there are land-grant colleges that teach military training as an elective course.

Mr. CLARK. I am a graduate of one.

Mr. AUSTIN. And they are land-grant colleges?

Mr. FRAZIER. They are land-grant colleges.

Mr. AUSTIN. No State can abandon the teaching of military science in its land-grant college without violating the terms of the grant made to it under the Morrill law of 1862.

Mr. CLARK. Mr. President, I promised not to ask the Senator to yield to me again; but on that point I should like his indulgence for just one moment to say that I am a graduate of a university which in my day had voluntary military training, and had a cadet corps of some twelve hundred.

But there were also perhaps a thousand students who were not members of the cadet corps. I went through the university in good standing and graduated without being a member of the cadet corps. I did not feel I was any less a good citizen or good student because I did not belong to the cadet corps.

Mr. AUSTIN. Mr. President, it is not my purpose to reflect upon the Senator from Missouri or his university in any way.

Mr. CLARK. Certainly not.

Mr. AUSTIN. I have great regard for him and for his university also. I am undertaking to express an opinion upon the law, and that is all. If I have stated something in haste which sounded bad to the Senator, I hope he will, in reading it in the morning, find that it is not so bad as it sounded.

Mr. CLARK. Mr. President, I would never suspect the Senator from Vermont of saying anything unkind to me personally.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. RUSSELL. As I understand the case of the land-grant college, the grant from the Federal Government to the institution is dependent upon the institution maintaining a course in military science in the school. As to whether or not the course shall be compulsory depends upon the board of regents or the board of trustees, or the other governing body of the institution. The effect of the amendment offered by the Senator from North Dakota would be to enact into law the proposition that the trustees, or the governing body of the institution, should not have control over the curriculum as it related to military training, but that each individual student should have a right to say whether or not he would take military training.

Mr. FRAZIER rose.

Mr. AUSTIN. Mr. President, I will state my views about that matter, and then I will yield to the Senator from North Dakota.

The object of the amendment, if it has any object at all, is to bring pressure upon the trustees of land-grant colleges to take military tactics out of the requirements for a bachelor of arts degree, for a bachelor of philosophy degree, or for any other degree granted by the college upon prescribed courses, and just hang the military science course up in the air. Whether that is a compliance with the Morrill Act I will submit to any reasonable lawyer in the Senate. Is a college, is a State, which accepts a grant under the Morrill law, and which takes out of the curriculum the subject of military tactics, complying with the conditions of the grant? I doubt it.

It is my opinion, from a study of the amendment, that its adoption would affect all land-grant colleges injuriously. Any person who claimed that the payment of salaries to military officers who were teaching military tactics at a land-grant college was contrary to the terms of the amendment would probably have some ground to stand on.

While I have been trying to express my views, three or four Senators have expressed the idea that a curriculum is compulsory which requires, for the granting of a degree, the teaching of military science; that is, that it is compulsory to a certain extent. On the other hand, one might say, in order to get this amendment through, "Oh, no; that is not compulsory, if a student can go there—as he can in most of the land-grant colleges—and take a course under another curriculum which does not include military science."

What I say is that in order for a State or a State university to comply with the Morrill Land Grant College Act, there must be at least one course in the university which requires military tactics as a part of the course, and as a condition without which a degree in the college will not be granted. Therefore, I say that this amendment attacks all the land-grant colleges; the amendment is contrary to the educational policy of the United States and of the several States since 1862, and it is in violation of the spirit of the founding of the colleges and the subsequent philanthropies which were made to the colleges under the conditions of the Morrill Act. For that reason, I think the amendment should not be adopted.

Mr. FRAZIER. Mr. President, will the Senator yield to me?

Mr. AUSTIN. I yield.

Mr. FRAZIER. I cannot quite follow the argument of the Senator from Vermont. Of course, I am not a lawyer. He intimates that he will submit his argument to any reasonable lawyer on the floor of the Senate. There are some of us who are not lawyers.

Mr. AUSTIN. Mr. President, there is nothing invidious in that. The reference was to a legal question. I expect that perhaps the Senator from North Dakota could answer very much better than any other lawyer in the Senate.

Mr. FRAZIER. I am not a lawyer, so I ask the Senator not to call me another lawyer. I am not qualified in that class. I wish to say, however, that I happen to know that some of the land-grant colleges require military training—that is, the teaching of military tactics—if the students attend in the regular courses during a term of years. It is required that they take military training, even though they are taking the first 2 years of law in their college course, or the first 2 years of medicine in their college course. The students are required, if they are to graduate, to take a military course.

Mr. AUSTIN. Mr. President, such facts ought to be brought out in hearings before some Senate committee, at which they could be carefully investigated, before any such drastic piece of legislation as that contained in the amendment is adopted.

Mr. BONE. Mr. President, let me assure the Senate, and particularly the chairman of the subcommittee having the bill in charge, that my interest in the subject arises solely out of the fact that I think military training should be optional with the student. That is why I asked the Senator from Vermont whether, in his judgment, the law was so written that it compelled every student to take military training whether he wanted to or not.

Mr. President, I go back again to this remarkable document of the War Department, issued in 1928, and which was widely circulated, and went into the schools and became the basis of the training of these young fellows compelled to take military training.

I happen to be one of those western folks who believe in public ownership of power. I have given 20 years of my professional life to a battle for public ownership of power in my State, and I confess my great astonishment when I discovered that the War Department, for some reason, instead of teaching military tactics, was teaching the young fellows in the universities that public ownership of power was very bad.

Frankly, I was unable to see the connection between military tactics and the question of whether or not the people of any State or community might own their own power systems. I am at a loss to understand why the Chief of Staff of the United States Army is so desperately anxious, apparently, to promote the interests of the Power Trust of this country by language that was very persuasive and engaging. He refers so touchingly to private utility corporations building great plants that render magnificent service to the people of this country. What, forsooth, does that have to do with military tactics? How does that teach the young fellow to handle a rifle, or a bayonet, or a machine gun, or a field piece? But the War Department finds in the fact that my city or some other city owns its own power system some dark or gloomy or sinister thing.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. CLARK. The Senator is a member of the Munitions Committee and has undoubtedly been familiar with the very intimate connection between the great manufacturers of munitions and the War Department and also the Navy Department. Does he think it strange that some ideas from the Du Ponts might have trickled over to the War Department and been passed out to those engaged in the compulsory education imposed on our schools?

Mr. BONE. Unhappily, what my good friend the Senator from Missouri says about this thing is true. The communion of spirit between the War Department and some of the big munitions "boys" is a very touching thing. I admit that I cannot understand why these two should be united in the holy bonds of some sort of wedlock, but apparently they are.

Now, Mr. President, I go further and find other economic doctrines that the War Department is teaching the young fellows in the Reserve officers' training camps. I suggest that there is no connection between what is here set forth in this manual and the proper use of a bayonet or a machine gun, and I am wondering why they go into the field of economics when teaching young men to be Army officers.

The Chief of Staff says:

> Power of consumption is based upon the ability to purchase and pay for the desired commodities. In America the employee receives 72 percent and the employer 28 percent of the income of industry, constituting a range of wealth distribution which fixes our living standards at the highest point known in the world.

Assume that it be true, which I do not, may I ask what that has to do with the teaching of a young fellow to shoot a cannon or handle a rifle? Is the War Department defending the status quo—the trimming of labor by big business interests of this country, or incidentally the bilking, fleecing, and trimming of both labor and consumers, with which process we are all familiar?

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. CLARK. I think the Senator is mistaken. I contend there is no connection between the kind of instruction that is being given out and the use of a bayonet. For instance, we know that in a certain foreign country there is a dictatorship which employs what is known as the goose-step, and which takes young boys from their youth up and trains them in economic matters and governmental matters in behalf of the dictatorship for the ultimate purpose of using them as cannon fodder and personally to use the bayonets. It may be that the author of these expressions in the War Department had some such ideas as that in mind.

Mr. BONE. I find myself in such happy and hearty agreement most of the time with my good friend, the Senator from Missouri, that I am happy upon this occasion to again agree with him. I know that the Senator from New York [Mr. COPELAND] suggested that this manual was issued several years ago, but, Mr. President, I have not seen a single repudiation of this astounding document from the War Department. So far as I know, it is still being used; so far as I know, it is still good War Department dogma. It is the credo of the War Department yet, so far as I know and you know, Mr. President.

But let us go ahead with a further examination. I shall be through in just a moment:

> America has amassed unbelievable wealth which is being spent for the good of mankind.

I suspect if we went out and took a poll of the great army of unemployed in this country we would not find very hearty agreement with that statement. Of course, when that statement is put across and firmly implanted in the mind of the young student, that is supposed to make a good soldier out of him!

Now listen to this gem! This—if I may employ the vulgar vernacular of my small boy—is a peach:

> A surfeit of food, clothes, comfortable homes, and much time for idleness can easily become the first step to the overthrow of civilization.

If any man in the Senate ever heard a more astounding suggestion than that, I should like to have him rise to his feet right now and proclaim it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. CLARK. I am not certain that I correctly understood the Senator. Would the Senator mind reading that sentence again?

Mr. BONE. I want my able friend the Senator from Missouri to get this, because it is surely a gem of "purest ray serene." It must have taken one with a Jovian brow to produce a thing like this, because the man who wrote it is deliberately saying that too much food for the hungry and too

much clothing for the use of those who are without might be a bad thing for them and the country. For God's sake, do not give them too much in the way of good food and clothing, and in the way of homes, because that might be sub versive; that might overthrow the Government. I read it again:

A surfeit of food, clothes, comfortable homes, and much time for idleness can easily become the first step to the overthrow of civilization.

Mr. President, I submit that if that statement is true our civilization is safe—oh, it is safer than anybody here suspects. Millions in this country know no possibility of realizing a surfeit; the sad army of the poor cannot even get enough to sustain their poor bodies in even a semblance of decency.

I pass to the next gem in this document. Democracy is defined, and I want my colleagues to listen carefully to this definition of "democracy" by our War Department:

A government of the masses; results in mobocracy; attitude toward property is communistic, negating property rights; attitude toward law is that the majority shall regulate.

Oh, what an astounding proposition. How un-American that the majority should by some awful mischance have anything to say about how the rules of the game are made.

Quoting again:

Democracy is the direct rule of the people, and has been repeatedly tried without success.

Under the representative form of government there is no place for direct action (by the people). The inherent characteristic of a republic is government by representation. The people are permitted to do only two things; they may vote once every 4 years for the executive and once in 2 years for members of the legislative body.

One might well imagine, Mr. President, that the War Department sits in sackcloth and ashes and rends and tears its garments all the time because the people are even permitted to do that much.

Democracy—

My father spent nearly 4 years with a rifle on his shoulder, and he almost died from wounds in a military prison upholding democracy in this country. I say as a Member of the Senate that I do not like suggestions from the War Department of this country that democracy, which my father was willing to die to preserve, is a foul and noxious thing.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. CLARK. Does the Senator think that in conformity with the Morrill Act, adopted on the motion of a great patriot back in the sixties, that if you send your boy to school in Washington, or I send my boy to school in Missouri, to a land-grant college, which most of the universities are, he should be compelled to be instructed in that sort of doctrine?

Mr. BONE. No, Mr. President. That is precisely the point. I believe that, within reason, a boy should be permitted to elect what he wants to take. There is something fundamentally sound and sane in that sort of a proposition. If the school wants to teach military training, all well and good, but they ought not to compel a boy to take military training if he does not want it, and then when he is compelled to take military training, be taught the subversive and anarchistic doctrine that democracy is a foul and filthy thing that ought to be abolished from the earth.

Oh, Mr. President, that is not all:

Several dangerous experiments have been proposed, such as the initiative, referendum, recall, and the election of judges.

Here we find the War Department teaching the young officers under this compulsory training that it is a bad thing to allow common folks to elect judges. They ought to be appointed for life! Does any Senator here agree that the initiative and the referendum and the election of judges by you poor human beings who sit here is bad business? Senators ought not to be permitted to vote for judges. Some fellow above you ought to appoint them for life, so that they can later snap their fingers at you and play ducks and drakes with the laws and the Constitution if they so elect; so they can be so far removed from the salutary force of public opinion as to be wholly immune from its wholesome effects.

Departures from constitutional principles threaten to impair the efficiency of our representative form of government, and if continued, will ultimately destroy it.

Direct action—

That is through the initiative and referendum—

and Government ownership—

Get this!—

and government ownership should be avoided as perils that threaten the very foundation of the Republic.

Mr. President, again I ask my brethren in the Senate what right, moral right, or any other kind of right, the War Department has to arrogate to itself the right to teach that sort of philosophy to my boy or any other boy in this country under the guise of military training. What business is it of the Chief of Staff that the people in my State want to own a power plant? This thing was circulated all over the country in these schools. There can be no justification for teaching that kind of stuff.

That is a damnable thing, and it ought to be repudiated and spurned by a great representative body such as this.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. BONE. Certainly.

Mr. SHIPSTEAD. Did the Senator state who was the author of that document?

Mr. BONE. This document was issued by the War Department under date of November 30, 1928. It was prepared under the direction of the Chief of Staff, and if he had called in Sammie Insull, and Mr. Doherty of Cities Service, and the Electric Bond & Share officials and the National City Bank, they could not have written a more complete and more subtle defense of the Power Trust and the American plunderbund than is here presented as "educational matter." What about the right of the Government to compel a boy to absorb this sort of subversive Power Trust training and swallow this sort of so-called education?

No boy should be compelled to swallow this kind of doctrine from the United States Army or be fired from school. If a State wants to own a public plant how will you gentlemen justify yourselves? You Senators deliberately voted to build some of the great Government power plants, did you not? Yes, by a large majority this very Senate voted to bring into being Muscle Shoals, Boulder Dam, and other great public plants, and yet here is one of your creatures, the War Department, saying you are guilty of doing a thing that threatens the very foundation of the Republic. Is it a pleasant experience to have the War Department tell you that you are bona-fide Communists and that what you have done after mature deliberation will overthrow your Government? That is what the War Department did in this document. I wonder what you think of this sort of thing.

It is said that Government ownership of power plants will destroy the Republic. I ask Senators again to remember that one sentence. Government ownership of power is to be avoided because it will overthrow and destroy the Government. You gentlemen sit here calmly and hear me read this document and you do not rise to repudiate it. You are the Anarchists and the Communists who voted for these things, according to the War Department. Is not that entertaining. You should go home tonight and have a little fun contemplating your awful action in voting for Boulder Dam and Muscle Shoals and other power projects, because if this principle continues to live we will probably have no virtue left, and the foundation stones of the Republic will crumble and rot and the Republic itself pass away.

If the War Department wants to teach military tactics, let it teach military tactics and not issue documents which would rank high as Power Trust propaganda.

Mr. COPELAND. Mr. President, so far as the War Department appropriation bill is concerned, it is apparent we cannot complete its consideration this afternoon. Accordingly I ask that it may go over until tomorrow.

EMPLOYMENT OF COUNSEL BY SPECIAL COMMITTEE TO INVESTIGATE LOBBYING ACTIVITIES

Mr. BARKLEY. The senior Senator from Alabama [Mr. BLACK] had intended to introduce a joint resolution which he had prepared. I offer it in his name and ask that it go over until tomorrow. Tomorrow the Senator from Alabama will attempt to have it considered by unanimous consent.

The PRESIDENT pro tempore. Without objection, the joint resolution will be received and lie on the table.

The joint resolution (S. J. Res. 234) authorizing the Senate Special Committee on Investigation of Lobbying Activities to employ counsel, in connection with certain legal proceedings, and for other purposes, was read twice by its title and ordered to lie on the table.

SUSPENSION OF ASSESSMENT WORK ON MINING CLAIMS

Mr. BORAH. Mr. President, I desire to ask unanimous consent for the immediate consideration of Senate bill 3669. I have talked with the majority leader, Mr. ROBINSON, about it, and he said there would be no objection to having the bill considered this afternoon.

The bill is similar in form to one which passed during the last session and relates to the suspension of annual assessment work on mining claims. It has been reported by the Committee on Mines and Mining. It is exceedingly important, if it is to be passed, that it should be passed as speedily as possible.

I ask unanimous consent for the immediate consideration of Senate bill 3669. It is a bill to suspend assessments upon the mining claims during the coming year, except as to the payment of income taxes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho?

There being no objection, the Senate proceeded to consider the bill (S. 3669) providing for the suspension of annual assessment work on mining claims held by location in the United States and Alaska, which had been reported from the Committee on Mines and Mining with an amendment to strike out all after the enacting clause and insert:

That the provision of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock meridian July 1, 1935, and ending at 12 o'clock meridian July 1, 1936: *Provided*, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1935: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1936, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1935: *And provided further*, That such suspension of assessment work shall not apply to more than 6 lode-mining claims held by the same person, nor to more than 12 lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than 6 placer-mining claims not to exceed 120 acres (in all) held by the same person, nor to more than 12 placer-mining claims not to exceed 240 acres (in all) held by the same partnership, association, or corporation.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the suspension of annual assessment work on mining claims held by location in the United States."

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters may be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask unanimous consent that nominations in the Army may be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc. That completes the calendar.

RECESS

Mr. BARKLEY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, March 18, 1936, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17 (legislative day of Feb. 24), 1936

APPOINTMENTS IN THE REGULAR ARMY

Gladen Robert Hamilton to be first lieutenant, Medical Corps.

Robert LaTourrette Cavenaugh to be first lieutenant, Medical Corps.

William Congdon Harrison to be first lieutenant, Medical Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Maj. John Lester Scott to Finance Department.

First Lt. Edward Cassel Reber to Ordnance Department.

PROMOTIONS IN THE REGULAR ARMY

Edwin Colyer McNeil to be colonel, Judge Advocate General's Department.

Augustine Warner Robins to be colonel, Air Corps.

Emil Pehr Pierson to be colonel, Cavalry.

Clark Porter Chandler to be colonel, Cavalry.

John Walton Lang to be colonel, Infantry.

Henry Harley Arnold to be colonel, Air Corps.

Floyd Hatfield to be lieutenant colonel, Infantry.

Charles Lewis Clifford to be lieutenant colonel, Cavalry.

Oscar Otto Kuentz to be lieutenant colonel, Corps of Engineers.

Earl Landreth to be lieutenant colonel, Infantry.

William Edward Raab Covell to be lieutenant colonel, Corps of Engineers.

Joseph Dogan Arthur, Jr., to be lieutenant colonel, Corps of Engineers.

Edwin Rudolph Petzing to be major, Signal Corps.

Richard Carvel Mallonee to be major, Field Artillery.

Douglas Johnston to be major, Air Corps.

Lawrence Pradere Hickey to be major, Air Corps.

Severn Teackle Wallis, Jr., to be major, Field Artillery.

William May to be major, Infantry.

Samuel Tankersley Williams to be major, Infantry.

Howland Allan Gibson to be major, Medical Corps.

POSTMASTERS

CALIFORNIA

Clark Wallace, Compton.

INDIANA

Thomas L. Hart, Dunkirk.

William W. Workman, Kokomo.

John N. Bonifas, Portland.

Ruth B. Flinn, Roann.

NEW HAMPSHIRE

John W. Prescott, Raymond.

PENNSYLVANIA

Frank L. Allen, Allenwood.
James L. Schmonsky, Clarendon.
John H. Shields, New Alexandria.
Lina E. Williams, Reno.
Harold G. Freeman, Sinking Spring.
Wave Ledrew Blakeslee, Spartansburg.

TEXAS

Clyde T. Martin, Hubbard.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 17, 1936

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God, our light and our salvation, whose days are without beginning and without end, grant that by Thy holy inspiration we, the servants of our Republic who are joined together in this undertaking, may know what we ought to do, and that by Thy grace we may be enabled to perform the same. Grant us, we humbly beseech Thee, such prosperity as Thou seest to be good for us, and make us to abound in such works as may be pleasing unto Thee. With clear vision and earnestness of purpose may we stand looking into the day expectantly, ready for its duties and responsibilities. Believing in Thee and in our homeland, O Lord God, let us have a heart for any service. Unto Thy name be eternal praises, through Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that immediately after the disposition of the special orders for today—the gentleman from Ohio [Mr. CROSSER], 30 minutes, and the gentleman from New York [Mr. CELLER], 10 minutes—that the gentleman from Massachusetts [Mr. TREADWAY] may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, does the gentleman mean today?

Mr. SNELL. That is my request, after these gentlemen have concluded their remarks.

Mr. BANKHEAD. The gentleman knows we have the Private Calendar today and a great many Members are deeply interested. I have had serious complaints about not being able to have the omnibus bills considered. I wonder if the gentleman could not postpone his request.

Mr. SNELL. There are certain reasons why we desire to have the opportunity today, and considering the fact that Members on the gentleman's side of the aisle have been granted 40 minutes I do not think it is unreasonable that we should ask for 20 minutes.

Mr. BANKHEAD. No; I do not think it is unreasonable. I regret that we cannot go along right now with the Private Calendar. I am just suggesting the difficulties to the gentleman from New York. I do not want to be unfair, and it would appear to be unfair, of course, to refuse the gentleman from Massachusetts 20 minutes.

Mr. SNELL. Yes; it would be unfair inasmuch as the gentleman's side has 40 minutes.

Mr. BANKHEAD. I shall not object to the gentleman's request, under all the circumstances, but I am very anxious to go ahead with the calendar.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1937

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to have until midnight tonight to file a conference report on the bill (H. R. 9863) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, reserving the right to object, does the gentleman expect to bring the bill up tomorrow?

Mr. WOODRUM. If it comes from the Senate. The Senate has to act on it first. I understand they will take action today. It is the intention to call it up the first thing tomorrow.

Mr. RICH. Mr. Speaker, reserving the right to object, is there going to be a reduction in this bill from what it was last year?

Mr. WOODRUM. I will give the gentleman full information tomorrow. If the gentleman will stick around tomorrow, I will tell him.

Mr. RICH. We would like to see the bill brought in with some reduction.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1937

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 10919), making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes, together with Senate amendments thereto, disagree to the Senate amendments, request a conference with the Senate, and ask that the Chair appoint managers on the part of the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. TABER. Mr. Speaker, reserving the right to object, I understand this bill comes back here with practically all of the cuts that our committee made, and which this House approved, restored to the bill. I am in hopes the conferees will stand by the position of the House to the limit and try to save some money for the Treasury. [Applause.]

Mr. FIESINGER. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. FIESINGER. Is the gentleman speaking about the War Department bill?

Mr. TABER. No; the Treasury-Post Office bill.

Mr. LUDLOW. Mr. Speaker, may I submit the observation, in connection with what the gentleman from New York has said, that, speaking as one conferee, I am in hearty agreement with his position at least as to the main items in the bill. As a Member of Congress interested in economy, I am positively opposed to the way the other body has loaded this bill with amendments that drain the Federal Treasury.

Mr. TABER. I appreciate that.

Mr. BLAND. Mr. Speaker, reserving the right to object, I call the attention of the gentleman and the conferees to the elimination of the provision made in the House bill for the ocean-mail contracts. A most serious situation will develop if this cut is made. There is a little under $85,000,000 due from persons who have borrowed from the construction-loan fund. In addition, there is grave danger that the business of these lines will be materially interfered with. The situation is most serious. I know it was stated in the Senate that this could be restored in the deficiency bill. This is possible if a subsidy bill is not passed; but, in the meantime, with the chaotic condition that will exist, with the fear on the shippers that the lines are to be put out of business or thrown into bankruptcy, there will be a tendency of business to go to the foreign lines, and it will be an aid and comfort to the foreign lines. It will be destructive of the American merchant marine.

I feel that this House was right in providing this appropriation. It was justified in obeying the existing law and

carrying out contracts that have been made. The President has the power to cancel these contracts if he sees fit to do so. In my opinion, he has exercised wise judgment so far in not exercising that power.

I believe to cut out this provision at this time would imperil the existence of the merchant marine, encourage foreign commerce, turn shippers to foreign flags, and send many of these lines into bankruptcy.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. LUDLOW. I assure the gentleman, who is one of the very ablest champions of an adequate merchant marine, that all of the facts and circumstances he mentions will be given very careful consideration.

Mr. BLAND. I am sure they will be by the gentleman. I am simply reminding the conferees about the gravity of the situation.

The SPEAKER. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LUDLOW, BOYLAN, GRANFIELD, O'NEAL, TABER, and MCLEOD.

CONSTRUCTION OF A 300-TON AIRSHIP FOR MILITARY SERVICE

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, the bill H. R. 10186, which I filed January 14, entitled "Construction of a 300-ton airship for military service", has attracted tremendous interest, as expressed by Members of Congress and by the personnel of several Government departments. It was also widely reported in the press of America.

This bill should attract attention, for with the demonstration of this airship there may be constructed, for commercial service, a great fleet of such airships that can be designed to be converted to military use for the protection of our country. With 50 of these airships we may have the best defense of any nation in the world. With 50 of these airships we would have 50 well-armed "airports" high up in the skies, and these "airports", with their squadrons of military planes, could be moved at 100 miles per hour to be concentrated whenever danger threatens.

With 50 of these airships we may protect our cities, our munitions factories, and our vital transportation lines from bombing attack, or with them we could send a group of a thousand military airplanes to any part of the world, a concentrated force no other nation may withstand, and in doing this we would endanger the lives of only 5,000 men.

We may risk the sum of $6,000,000 to prove the value of the first airship, and we may have to accept the judgment of our American engineers that this airship structure is safer, stronger, and more adaptable for airship service than is the German Zeppelin frame, upon which the Akron and Macon were constructed. We may have to recognize that the American engineers who have designed and constructed our great suspension bridges know the type of structures that will best stand aerodynamic stresses, and we may have to risk $6,000,000 on their judgment. It is worth it.

Because we have accepted the advice of Zeppelin engineers and have lost two airships, shall we continue to follow their advice and ignore our American engineers? Are we not warranted in at least showing our faith in American construction methods by giving our engineers a trial in airship construction?

The chief difference between the Respess airship and the Zeppelin airship is that Respess employs a suspension-bridge type frame and the Zeppelin employs an arch-bridge type frame. The suspension bridge is 40 percent lighter in weight than the arch bridge, and in a structure for an airship, where great strength and light weight is most important, the suspension bridge should be the superior type.

An airship requires a frame which must be strong and dependable, but must be of light weight. Upon this frame a cover is attached, and gas bags, as balloons, are installed to lift the airship; engines are positioned to propel the airship, and control means are provided to direct its course.

The *Graf Zeppelin* has demonstrated the commercial value of the airship, and the operations of the *Akron* and *Macon* have indicated that the airship might be constructed to be valuable in military service. But the Zeppelin construction may not be the last word in engineering improvement, for the same type of construction has been followed in the Zeppelin airship for 30 years. Are we not warranted in believing American ingenuity and engineering skill can make such improvement?

There have been some comments expressed as to the possibility of constructing so large an airship to be safe, to provide the speed of 120 miles per hour, to carry 20 military airplanes, with sufficient armament for its protection, a crew of 100, with military supplies and fuel for long flights.

In America we construct suspension bridges that are several thousand feet long, and engineers who designed many of these bridges have stated they would accept a commission to design and supervise the construction of a suspension-bridge type airship frame of any size that may be desired. These engineers, having full knowledge, so far as aerodynamics is now known, of the stresses this structure must withstand, would design and build accordingly.

The total lift of an airship depends chiefly upon the volume of lifting gas in its interior balloons. Ten million cubic feet of helium gas would lift 300 tons. In a Respess airship of 10,000,000 cubic feet helium gas capacity approximately 250,000 pounds may be the fixed weight of the structure, cover, gas bags, equipment, and so forth, leaving approximately 350,000 pounds of what is termed useful weight.

This useful weight may be apportioned to provide engines, fuel, ballast, crews' quarters, and supplies, with quarters for passengers, mail, and freight when in commercial service, or for carrying airplanes, armament, military equipment, and supplies when employed in military service.

The speed of an airship is controlled chiefly by the total of its engine horsepower in proportion to the displacement of the airship. A sufficient part of the 175 tons useful load can be allotted to engines to provide a speed of 120 miles per hour, and the suspension bridge frame structure will provide the strength to withstand such speed.

To transport and service 20 military airplanes is also possible through an allotment of a part of the useful load. The *Akron* and *Macon* each demonstrated the practicability of transporting several airplanes, which were released and taken back into the airship hundreds of times. The airplanes contemplated in the bill H. R. 10186 would be the most improved type of military planes that may be redesigned without ground-landing gear, and saving approximately 33 percent of the weight, thus such airplanes may be faster and a better military unit than the planes that are required to land on the ground.

The armament of this airship may be rapid-fire guns of larger caliber and much longer range than guns carried by airplanes. These guns may be placed to fully cover all angles of approach to the airship and with the airship operating at 20,000 feet altitude its guns may reach an airplane at 30,000 feet altitude. The Respess suspension bridge structure of elastic steel cable is capable of withstanding the shock of larger guns if required.

There should be no experiment in building the Respess suspension-bridge-frame airship, for it is actually a most highly perfected "self-anchored" suspension bridge. The Brooklyn Bridge, at New York, which has given nearly 70 years' service, is a worthy demonstration of the suspension-bridge structure, and engineers of national and international reputation, who have designed and constructed our great bridges, both the arch-frame and the suspension types, have endorsed the use of the suspension-bridge structure for airships.

Whatever has been proven practical and of value, as demonstrated by the Zeppelin airships, is equally practical with the Respess airship. They both have gas cells that lift, engines that propel, and controls for guidance. The substi-

tution of a different type of frame will not change these necessary features. Thus the Respess airship is no more an experiment than the Zeppelin airship or the suspension bridge. As compared with the Zeppelin, however, the Respess airship has the following advantages:

First. Greater strength and safety.
Second. Greater inherent strength.
Third. Increased length of life.
Fourth. Decreased maintenance costs.
Fifth. More efficient use of material.
Sixth. Reduction in cost of construction.
Seventh. Reduction in time of construction.
Eighth. Ease of construction.
Ninth. Simplicity, accuracy, and definiteness of calculation.
Tenth. The stresses in this airship never reverse, thereby removing all fear of failure in the hull through fatigue and crystallization.
Eleventh. The net pay load will be unusually high, facilitating economical commercial operation.

These advantages were enumerated in an analysis and report by Messrs. Robinson and Steinman, consulting engineers, 117 Liberty Street, New York City, upon their examination of the plans for a Respess airship, 147 feet in diameter by 785 feet long, that was designed in accordance with specifications prepared by the Bureau of Aeronautics of the Navy Department for the construction of the *Akron* and *Macon*. Messrs. Robinson and Steinman are internationally recognized as authorities on arch frame and suspension-bridge structure, and the accuracy of their analysis has been subsequently endorsed by many of the world's leading structural and aerodynamic engineers.

There are several airship bills now presented for action by Congress. Congress may be also asked to experiment further with Zeppelin type airships constructed in the United States. It also may be suggested we should order Zeppelin airships from Germany. One bill in Congress provides limited airship construction and experimentation over a period of several years before any new type of American airships be constructed. This bill indicates another airship of the *Akron* and *Macon* type may be constructed.

I feel we should have American-designed airships as soon as they may be constructed. If we do any further "experimenting", we should do it now with large airships that may demonstrate their value for extending our overseas commerce and for military service if the need should arise for such use. These airships should be fully insured for our protection.

I think the Zeppelin design airships can be improved by our American engineers. Such improvement may result from the acceptance by Congress of the bill H. R. 2744 for commercial airship construction and operation, and the bill H. R. 10186 for the construction of a 300-ton military airship.

The inventor of the suspension bridge airship is Mr. Roland B. Respess, who is a southerner now residing in my district in Rhode Island. An inventor by profession, Mr. Respess has been successful to the extent he has been able to personally expend a very large sum, received from other inventions, in the design of the suspension-bridge airship, the construction and test of models to establish the definiteness of this structure, in employing American engineers of international repute to study this type of airship design and in an effort to secure governmental support.

He has followed the unusual procedure of determining the value of his invention before announcing it publicly. If Congress had given Mr. Respess a hearing 12 months ago I feel Congress may have then approved the bill H. R. 2744, and we might now have two American airships as large as the new Zeppelin *L. Z. 129* either completed or nearing completion. When the new Zeppelin visits our country this summer we should remember this.

Shall we continue to ignore the present opportunity to establish a major form of rapid transportation, with which we may extend our overseas trade, and may establish a military defense with which only 5,000 trained men may become an unbeatable force in the defense of our Nation.

I urge my colleagues in Congress to study and to actively support the bills H. R. 2744 and H. R. 10186. Thus we may begin airship construction without further delay. We need new industries to supply work for our surplus labor and this may be part of the answer.

If further information as to the commercial value of large airships is desired, I recommend a study of the data supplied by the Honorable ERNEST LUNDEEN in the House of Representatives February 11, 1936, as published in the CONGRESSIONAL RECORD of that date.

CAN WE AFFORD ROOSEVELT'S NEW DEAL?

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address which I delivered last Friday afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ROGERS of Oklahoma. Mr. Speaker, under leave to extend my remarks in the RECORD I insert the following radio address by me March 13, 1936:

Friends of the radio world, it is a pleasure to speak to you at this hour under the auspices of the National Broadcasting Co. This feature program entitled "Congress Speaks" was initiated a little more than a year ago. It was my privilege to be the first to address the radio world when this program was inaugurated. I come to you today, a little more than 3 years after the present administration assumed power, to ask you the simple question, Can we afford Roosevelt's New Deal? This, I believe, is pertinent at this time in view of the outspoken opposition of our enemies, who would have us believe that the accomplishments of the present administration are not commensurate with expenditures involved.

One of the questions heard most often on the floor of the House today is, Where are you going to get the money? This is a simple question and can be answered simply. In the end the people must pay for benefits received. Obviously some will have to pay more than others, but this is as it should be, for, after all, the wealth of this great Nation belongs to all the people, and all the people should share it. Just and equitable taxes can be levied requiring those who have an undue amount of worldly goods to share their part of the burden of caring for the less fortunate.

Answering the inquiry: Where are you going to get the money?—by saying that the people will pay for the benefits the people have received and are now receiving, there remains but one proposition to consider when we ask: Can we afford Roosevelt's New Deal? And that is: Do the accomplishments of the present administration balance the expenditures? I come to you today as a humble champion of the great man in the White House, Franklin D. Roosevelt, and I say, without any hesitancy and without fear of contradiction, that when we carefully and honestly survey the benefits that have come to us through the efforts of the present administration we must admit that we can afford Roosevelt's New Deal.

We must conclude that every part of the great revitalizing process so ably prosecuted by President Roosevelt has been in an effort to restore this Nation, to rout poverty, to stabilize agricultural products, to stimulate the wheels of industry, to solve the monetary problems, to provide social security, and to accomplish many other purposes definitely antidepression.

Ladies and gentlemen, when the present administration assumed control of our Government we were in the midst of the most terrible depression the American people had ever known. Our domestic trade was stagnant, our foreign commerce was paralyzed, our factories were closed, our mines were shut down, and 12,000,000 idle men and women, who were willing, able, and anxious to work, were out of employment. This condition existed with our land teeming with abundance, with more corn, more wheat, more cotton, more manufactured articles—more of almost everything necessary to sustain human life and contribute to human comforts than was ever known before in all the history of mankind—yet bread lines were stretching down the streets of our cities, men and women and children from the best families of our country were forced to eat the bread of charity or beg from door to door, people who will not get the chill of humiliation out of their blood for two or three generations. Our farmers—forced to sell their crops below the cost of production, corn for less than one-fourth its normal value, cotton for less than one-third, and wheat for the lowest figures it had reached in 500 years—saw their lands and stocks swept away for debts, and their homes sold for taxes that were levied when their crops were bringing normal value, and which they had a moral right to pay with the same price dollars used at the time these obligations were incurred.

Ladies and gentlemen, behind every cloud there is a silver lining.

The history of the world commits itself to a distinct, self-evident tradition that in times of great national emergency there has invariably arisen a forthright leader able to command the loyal obeisance of his countrymen by the sheer genius of his personality and the profoundness of his program. Since the birth of our Nation, tracing our progress by the landmarks of critical emergencies overcome, we can pause and reflect in the security that America has, without fail, been equal to the exigency of every occasion. Whether it has been righteous reform or crucial revolution, there has always emerged some American who, by masterful precision, patriotic compassion, and keenness of intel-

lect, has wrested calm out of chaos and order out of confusion. Whether it has been "taxation without representation", "imperialistic infringement" of other nations, "secession from the Union", "autocracy or democracy", or war against economic bondage, as now engages our attention, America has steadfastly been able to produce on every occasion "the man of the hour." Today that man is Franklin D. Roosevelt.

Realizing that the accomplishments to date have been made under the direct leadership and by the forethought of President Roosevelt, it is well to consider here our progress under his banner since March 4, 1933. We have emerged from the depths of the most terrible depression the American people have ever known.

Our domestic trade has been awakened, our foreign commerce has considerably improved, smoke replaces cobwebs in our principal factories, the glow from the miner's headlamp is once more apparent, and our unemployment has actually decreased through governmental and private enterprise. Recently President Roosevelt flung far and wide the challenge to the American people to take stock of themselves. Our great President requested us all, individually, to ask ourselves the question, "Am I better off than I was in March 1933?" This bold fearless challenge was pointed to by Republicans and other antiadministrationists as a positive boomerang to the New Deal. Like many other cherished hopes of the opposition, this predicted boomerang failed to materialize. The die-hards and soreheads have failed utterly to reckon with the Roosevelt policy, the Roosevelt popularity, the Roosevelt frankness, and above all, the Roosevelt strategy. Apparently the great masses of the American people have accepted the challenge of the President, for the anti-Roosevelt forces have quit talking about the matter.

When President Roosevelt was inaugurated a little more than 3 years ago, he repeated before the Chief Justice of the United States his oath that he would, to the best of his ability, faithfully execute the office of the President, preserve, protect, and defend the Constitution. This was a higher promise than any made in either party platform or in any campaign speech by Franklin D. Roosevelt. The promise he made when he took his oath of office bound him to preserve the Government at any cost. Ladies and gentlemen, President Roosevelt has preserved our Government. The cost has been great, but it has been a big job. Instead of bankrupting the Nation as the opposition predicted, President Roosevelt has, in preserving democratic government, rescued us from bankruptcy and is now heading us on the road to recovery. While the President has been preserving our Government he has been called a Socialist, a Communist, a Fascist, and a dictator; but the fact is that the present administration has probably saved our country from socialism, communism, fascism, dictatorship, and even incipient revolution.

Ladies and gentlemen, even if the cost had been five times what it has, the accomplishment of the present administration would have justified the expenditures. Even though we take no account of the fact that a Government has been preserved and that our people have been saved from starvation, misery, and want, the rise in the national income alone during the last 3 years justifies the cost of the New Deal. We will remember that while the previous administration was piling up a deficit of approximately $5,000,000,000, our national annual income fell from almost ninety billion to about forty billion dollars. Add to this the unemployment created, the misery and the suffering of a great people, and the destruction of their morale and we have the cost entailed by the previous administration.

Ladies and gentlemen, even though the opposition may contend that we cannot afford Roosevelt's New Deal, we submit the accomplishments of the present administration in support of the proposition that we can afford Roosevelt's New Deal. Agriculture has been aided. In 1933, the farmers' cash income was two and one-half billions greater than in 1932. Foreclosures have been stopped by F. C. A. loans. Profitable prices have replaced bankruptcy prices. In spite of a serious Court set-back, a national program of soil conservation and planned production is again being administered. The H. O. L. C. has saved a million city families from eviction, and many private lending insurance companies have been made solid. The H. O. L. C. on its mortgages and the R. F. C. on its loans to finance industry have established a record of collections on the billions loaned. Utility rates have been widely reduced. Schools have been kept open by the program of Federal aid for education. Labor has received recognition never recorded in any previous administration. It has gained the right to bargain collectively, and has secured means of enforcing that right. Relief has been extended to millions of our fellow citizens. Employment has been provided for those who previously walked the streets, seeking in vain for work that could not be found. The C. C. C., P. W. A., and the W. P. A. have helped to relieve the unemployment problem, besides adding many improvements of a useful and permanent nature.

These programs have made it possible for our people to secure work and at the same time retain their morale, which is so necessary under a democratic form of government. Government work has been made necessary because private industry has been unable to cope with the ravaging effects of the depression, but now business is better because of the accomplishments of the present administration. The business index has advanced from 60 to 95 percent of an estimated normal. Our banking system, which was prostrate when President Roosevelt assumed his office, has been repaired until the confidence of depositors has been raised from the lowest to possibly the highest ebb known in the history of our country. When the President was inaugurated, banks were closing their doors by the thousands, but today bank failures seem a thing of the past. A measure of social security has been established by unemployment insurance and pensions for our aged people. The effects of this program, as soon as same can be realized, will go a long way toward averting future depressions.

The Nation 3 years ago was caught in a maelstrom of devitalizing confusion and prejudice, with the forces of construction vesting their welfare in the sympathetic and responsive personality of Roosevelt. The President has launched forth in a manner comparable to George Washington to check and overthrow a political imperialism and a capitalistic oligarchy. Like Washington, he has promulgated ideas and changes that are revolutionary. The spirit of each was conceived in an ever-watchful and an ever-responsive attitude to safeguard American welfare.

America, with Franklin D. Roosevelt in the White House, entered upon a new path of national destiny. From the proclamation ordering the bank holiday to the personal message by the President to the heads of 54 nations, Roosevelt advanced from a vigorous and compelling national leader to a wise and humane world leadership. Behind this phenomenon lies a series of facts—issues, events, personalities—upon which the fate of a man and the destiny of a nation rest. The circumstance of Mr. Roosevelt's nomination and election is too profoundly a part of America's present survival and future progress to be left loosely spread over the incoherent reportings of the daily press and ephemeral reflections of periodical comment. Even today we cannot see clearly whither events are leading nor how far we may be carried before equilibrium is reached and this sliding civilization of ours shall once more come to rest. Of one thing we are sure, that the great man in the White House today is bending his every effort for the betterment of his country, and we know we are safe in his hands.

Oh, I know we are not yet "out of the woods"; but admitting all blunders and minimizing the many accomplishments of the present administration no one can deny that President Roosevelt has saved us from chaos, freed us from despair, and restored our faith and confidence.

Ladies and gentlemen, we can afford Roosevelt's New Deal, and we must continue to support his program in the hope that recovery from the depression will continue and that conditions will soon return to normalcy.

Paraphrasing the words of that great orator, Patrick Henry, I know it is natural for men to indulge in the illusions of hope. I know we are apt to shut our eyes to a painful truth and listen to the song of that siren until she transforms us into beasts. And I know that this is not the part of wise men engaged in a great and arduous struggle for life, property, and the pursuit of happiness. And I hope we will not be of that number who, having eyes see not, and having ears hear not the things that so vitally affect our very existence. God forbid that we fail to do our duty in this the greatest crisis in the history of our country. I trust that we may all work and hope and pray that America march forward and onward, supporting the New Deal with President Roosevelt in the interest of all the people and not a favored hereditary few. If we do this the specter of unemployment, poverty, and greed will be supplanted by the Golden Rule rather than the rule of gold which has so dismally engulfed us.

EXEMPTION FROM TAXATION OF CERTAIN ASSETS OF RECONSTRUCTION FINANCE CORPORATION

Mr. SABATH, from the Committee on Rules, reported the following privileged resolution, which was referred to the House Calendar and ordered printed:

House Resolution 451

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 3978, an act "Relating to taxation of shares of preferred stock, capital notes, and debentures of banks while owned by the Reconstruction Finance Corporation and reaffirming their immunity." That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Currency, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. SNELL. Mr. Speaker, is this a rule to take up a bill that was defeated in the House last week sometime?

Mr. SABATH. I do not know whether it was defeated. I think it was before the House for consideration.

Mr. SNELL. Was it not defeated?

Mr. SABATH. I was not here that day.

Mr. BLANTON. It was defeated under the two-thirds rule.

Mr. SNELL. May I ask the Majority Leader the question?

Mr. BANKHEAD. It is not the same bill. It is a similar bill. This is the Senate bill.

Mr. MARTIN of Massachusetts. It is the same bill with an amendment which the House rejected.

Mr. BANKHEAD. I do not know.

Mr. SNELL. It seems to me that somebody on that side ought to know something about a bill which is going to be brought up here for consideration. This is a bill that was rejected last week.

Mr. SABATH. This has been requested by the Banking and Currency Committee. There is a unanimous report, and a unanimous request for the rule.

Mr. SNELL. I think they ought to know what the bill is all about.

Mr. SABATH. This is an open rule.

Mr. BANKHEAD. Has the gentleman received the information he desires?

Mr. SNELL. I did not get any information except that the gentleman did not know anything about the bill they are going to bring up.

Mr. SABATH. It is a similar bill, I may say, but there is an amendment.

Mr. SNELL. Is it the amendment that was rejected by the House last week?

Mr. SABATH. I am informed not.

Mr. BLANTON. Will the gentleman from Illinois yield?

The SPEAKER. The Chair may say that all this conversation is out of order.

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to ask the gentleman from Illinois one question.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BLANTON. I want to ask the gentleman from Illinois if it is not a fact that a bill called up under suspension which requires a two-thirds vote, and it lacks the two-thirds vote, is not defeated.

Mr. SNELL. I would like to answer the gentleman's question.

Mr. SABATH. The gentleman from New York is familiar with what happened.

Mr. SNELL. Yes; I am familiar with what happened. It was defeated under a regular vote, not under suspension at all.

SHALL CONGRESS PREVENT LOCAL COMMUNITIES AND THE DIFFERENT STATES FROM PROPERLY TAXING LOCAL PROPERTY USED FOR PRIVATE GAINS?

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an excerpt from existing laws.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, the Reconstruction Finance Corporation has authorized the purchase of $100,000,000 in preferred stock of national banks. The money has not as yet been paid and will not be paid until the bill to exempt the stock from taxation is finally passed upon by Congress. This bill is to be before the House the second time this session tomorrow, March 18, 1936. If the bill passes as proposed by the Banking and Currency Committee, local communities, including States, counties, and political subdivisions, will be compelled to strike from their tax rolls a hundred million dollars' worth of taxable property. The banks receiving this money will be charged 3½-percent interest. My information is that the banks would not object to paying the local taxes in addition to the 3½-percent interest, as they would then be getting a good bargain, but the law, if this bill passes, will prevent them from paying the taxes unless they want to make a direct contribution, and I doubt that the directors would feel authorized to do that.

ON ONE DISBURSEMENT, NOT YET MADE, BANKS WILL BE SAVED $2,000,000 A YEAR

It is my impression that the Reconstruction Finance Corporation would not object to writing into their contracts with these banks a provision that they will take care of all local taxes as heretofore, but the Reconstruction Finance Corporation cannot require this unless the Banking and Currency Committee's recommendations are changed. In other words, the Banking and Currency Committee is asking us to vote for a bill that will withdraw from taxation a hundred million dollars in taxable property that is now upon the tax books of the different States and local governments, and the committee refuses to recommend an amendment that will permit these banks to pay the local taxes or permit the R. F. C. to require the taxes to be paid. This means a difference of about $2,000,000 a year on this $100,000,000 purchase. I presume that the members of this committee have reasons sufficient in their own minds to justify this action, but I fail to see upon what theory such a course is taken.

HOW BILL SHOULD BE CHANGED

This bill should be changed so that the Reconstruction Finance Corporation may require the payment of local taxes in all new contracts, and the banks receiving the money will be permitted to pay the taxes as heretofore. A new section should be inserted immediately after section 302, title 3, of the act approved March 9, 1933, as amended, and designated as section 302 (a), reading as follows:

Notwithstanding any other provision of law, any national banking association may, with the approval of the Comptroller of the Currency, pursuant to action taken by its board of directors, issue to the Reconstruction Finance Corporation its capital notes or debentures in such amounts and with such maturities as the Comptroller of the Currency may approve. The holders of such capital notes or debentures shall be entitled to receive such interest, at a rate not exceeding 6 percent per annum of the principal amount thereof, and shall have such conversion rights, priorities, control of management, and other rights, and such capital notes or debentures shall be subject to retirement or redemption in such manner and upon such conditions as may be provided therein with the approval of the Comptroller of the Currency.

Section 303 of said act approved March 9, 1933, as amended, should also be further amended by inserting after the words "preferred stock", appearing in the last sentence of said section, a comma and the words "or capital notes or debentures."

Section 304 of title 3 of said act approved March 9, 1933, as amended, should be further amended, as follows:

Strike out the words "preferred stock" appearing in the first sentence of said section and insert in lieu thereof the words "or purchase preferred stock, capital notes, or debentures" and strike out the third sentence of said section.

DEFEAT IT IF AMENDMENTS NOT ACCEPTED

Unless these amendments are inserted, the bill should be defeated.

These amendments will not take care of past transactions but will make it possible to prevent future transactions that will remove local property from local taxation.

SERIOUS INJUSTICE TO CERTAIN STATES

If this bill passes, it will upset the tax laws in a great majority of the States that have passed laws in conformity with an act of Congress.

THREE METHODS STATES MAY USE TO TAX NATIONAL BANKS

Section 5219 of the Revised Statutes Act of June 3, 1864, provides as follows:

548. State taxation: The legislature of each State may determine and direct, subject to the provisions of this section, the manner and place of taxing all the shares of national banking associations located within its limits. The several States may tax said shares, or include dividends derived therefrom in the taxable income of an owner or holder thereof, or tax the income of such associations, provided the following conditions are complied with:

1. (a) The imposition by said State of any one of the above three forms of taxation shall be in lieu of the others.

(b) In the case of a tax on said shares the tax imposed shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks: *Provided*, That bonds, notes, or other evidences of indebtedness in the hands of individual citizens not employed or engaged in the banking or investment business and representing merely personal investments not made in competition with such business, shall not be deemed moneyed capital within the meaning of this section.

(c) In case of a tax on the net income of an association, the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon the net income of mercantile, manufacturing, and business corporations doing business within its limits.

(d) In case the dividends derived from the said shares are taxed, the tax shall not be a greater rate than is assessed upon the net income from other moneyed capital.

2. The shares or the net income as above provided of any national banking association owned by nonresidents of any State, or

the dividends on such shares owned by such nonresidents, shall be taxed in the taxing district where the association is located and not elsewhere; and such associations shall make return of such income and pay the tax thereon as agent of such nonresident shareholders.

3. Nothing herein shall be construed to exempt the real property of associations from taxation in any State or in any subdivision thereof, to the same extent, according to its value, as other real property is taxed.

4. The provisions of section 5219 of the Revised Statutes of the United States as in force prior to March 4, 1923, shall not prevent the legalizing, ratifying, or confirming by the States of any tax heretofore paid, levied, or assessed upon the shares of national banks, or the collecting thereof, to the extent that such tax would be valid under said section. (R. S., sec. 5219; Mar. 4, 1923, c. 267, 42 Stat. 1499.)

Thirty-one States in the United States have elected by their respective laws to tax national banks upon their shares of stock. These States are as follows: Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, and West Virginia.

Seventeen States and the District of Columbia have elected to tax national banks according to earnings on their shares of stock, or according to the income of the corporation, but do not tax directly the shares of stock. According to the Federal law, if a State elects to tax according to one of the three methods, it cannot levy taxes by any of the other two methods. These 17 States are as follows: Louisiana, Maine, Mississippi, New Hampshire, New Jersey, Utah, Vermont, Washington, Wisconsin, Alabama, California, Connecticut, Massachusetts, New York, Oklahoma, Oregon, and Wyoming.

R. F. C. CREATED IN 1932, AND COULD NOT PURCHASE PREFERRED STOCK OF NATIONAL BANKS

On January 22, 1932, the Reconstruction Finance Corporation was created. Section 10 of the act provided:

The Corporation, including its franchise, its capital reserves and surplus, and its income, shall be exempt from all taxation.

March 9, 1933, the Reconstruction Finance Corporation was authorized to purchase preferred stock from national banks and capital notes and debentures of State banks and trust companies. No specific tax exemption was enacted at that time. Up until that time national banks did not have the right to issue preferred shares of stock.

CONGRESS INTENDED STOCK TO BE TAXED

It should be remembered that at the time of the creation of the Reconstruction Finance Corporation in 1932 and at the time that the corporation was authorized to purchase shares of stock of national banking associations, it was the law that all shares of national banks, no matter by whom owned, shall be subject to taxation. This is very plain and I cannot possibly construe it any other way except that the Congress in authorizing preferred shares of stock issued by national banks to be sold to the R. F. C. expected these shares of stock to be taxable, otherwise a specific exemption would have been written into the law, since the law was plain and unmistakable that all shares in national banks no matter by whom owned shall be subject to taxation.

UNANIMOUS DECISION OF SUPREME COURT HOLDS STOCK TAXABLE

The R. F. C. purchased a million dollars of stock in the Baltimore National Bank, Baltimore, Md. Although this bank had theretofore paid the State of Maryland and all local taxing units taxes based upon this valuation, after the R. F. C. purchased the stock this bank pleaded that it was tax-exempt. The State tax commission upheld a tax upon the shares, overruling the protest of the bank, which made a claim of immunity. The case went to the circuit court of appeals and then to the United States Supreme Court. The facts and the law were so plain and unmistakable that the Supreme Court by a unanimous decision held that the State of Maryland and all the taxing subdivisions in that State still had the same right to tax these shares that it did before the R. F. C. purchased the stock.

SPECIFIC EXEMPTION OF SHARES OF STOCK

A bill, H. R. 11047, was introduced in the House by Congressman T. ALAN GOLDSBOROUGH, of Maryland, which provided for a specific exemption of shares of stock in national banks from all taxation by the States and political subdivisions thereof when such stock is held by the R. F. C. A similar bill, S. 3978, was introduced by Senator DUNCAN U. FLETCHER, of Florida, in the United States Senate. The Senate, February 24, 1936, passed the bill by a vote of 38 for to 28 against.

SO-CALLED CLARIFYING OR PERFECTING AMENDMENT

In the discussion in the Senate, many of the questions I have raised were were not discussed at all and none of them discussed thoroughly. I think the Members of that body looked upon the bill as a clarifying amendment, as it was called, or a so-called perfecting amendment to existing law. These terms, so often used, lull many of us to sleep while bad legislation goes through.

HANDICAPPED BY LIMITED TIME FOR DEBATE

This problem probably had not reached the House when the House bill was taken up February 25. A rule was adopted in the House on February 25, 1936, which permitted consideration of this bill and allowed 2½ hours for general debate. There was but 1 hour's debate on the rule. In other words, there were 210 minutes allowed to debate this bill. I had appeared before the Rules Committee and protested the granting of the rule to consider this legislation. The rule, however, was granted, but I thought an understanding existed between the Rules Committee and those having charge at the time that I and others who were opposed to the bill would be allowed a fair division of the time, but, instead of us getting 105 minutes, one-half the time, we received only 48 minutes in opposition to the bill. I received only 5 minutes one time on the rule and 15 minutes on the bill. Notwithstanding this handicap by reason of lack of time, we succeeded in convincing the House that the bill was a bad bill and should be defeated, and, on a roll-call vote, shown on page 2794 of the daily CONGRESSIONAL RECORD, 137 Members of the House voted against the bill and 165 for it.

I immediately moved to reconsider the vote and to lay that vote on the table, which was carried. This prevents the House bill from again being called up during this session of Congress.

NOW SENATE BILL

However, in the meantime the Senate bill had been sent over. I have never before heard of the proponents of any bill getting full consideration in the House on two different occasions on two different bills during the same session of Congress. Yet the Committee on Banking and Currency of the House held another hearing on the same bill that was defeated by the House with the expectation of again getting consideration of the measure.

I want to tell you what this bill will mean to the different States, counties, cities, road districts, and school districts, and how it will affect other people who are holders of the same kind of shares, and how it will affect other national banks that have not sold shares of stock to the Reconstruction Finance Corporation, and how it will affect the State banks in the different States:

First. If a bank's capital stock is a million dollars, one-half of it, $500,000, is preferred stock; and if $250,000 of this preferred stock is held by the R. F. C., it will be tax-exempt; and although it has been on the tax rolls in that locality for years before, it will be taken off by orders of the United States Congress, whereas the other $250,000 of preferred shares held locally will be taxable, and the bank will pay taxes on it as heretofore.

Second. A national bank that has sold half of its shares to the R. F. C. will obtain a 50-percent tax reduction under this bill, while the national bank across the street that has not sold any of its shares to the R. F. C. will not obtain any tax reduction. It will pay taxes as heretofore.

Third. A national bank that has sold half of its shares to the R. F. C. will obtain a 50-percent tax reduction, but the State bank across the street will be compelled to pay taxes as heretofore.

Fourth. It will set a precedent which, if carried to its logical end, will cause Congress to pass the necessary law that will give all other national banks the same amount of

tax exemption in the respective States and local communities where they are located.

Fifth. It will be a precedent for Congress to pass the necessary law to reduce taxation 50 percent on all banks in the 17 States and the District of Columbia where another method other than taxing shares of stock is in force. I refer specifically to the 17 States listed above.

If Congress can pass the bill under consideration and it is constitutional, it can certainly pass a law that will grant tax relief to the same extent and to the same proportionate amount to all national banks in the 17 States and District of Columbia using other tax methods, and it can pass a valid law that will grant all national banks, although no stock in them are held by the R. F. C. from taxation in excess of 50 percent or any amount of their shares of capital stock.

BAD PRECEDENT

In other words, no precedent could be worse than Members of Congress to assume the jurisdiction of taking from the tax rolls of States, counties, and cities taxable property that has been and should now be legally upon those rolls. At this time when the various States are seeking fair methods of taxation for the purpose of meeting their shares of the burden by reason of the passage of the social security law passed by Congress, it is proposed that we now take this source of taxable wealth away from them.

AMOUNT OF TAXES 31 STATES WILL LOSE

If this bill becomes a law, the banks in the following States will be granted immunity from taxation to the amount stated in column 1 opposite the name of the State, which will cost these different governments to lose in actual tax money that would ordinarily be paid by these banks the amount stated in column 2:

	Immunity	Loss to governments
Arizona	$1,340,000.00	$68,608.00
Arkansas	1,275,000.00	33,366.75
Colorado	4,101,000.00	201,564.15
Delaware	137,300.00	274.64
Florida	1,177,500.00	1,177.50
Georgia	1,507,500.00	46,732.50
Idaho	565,000.00	23,557.17
Illinois	72,797,614.17	2,495,138.23
Indiana	6,857,980.00	17,144.95
Iowa	6,323,400.00	18,970.20
Kansas	2,190,500.00	91,913.38
Kentucky	3,182,350.00	41,370.55
Maryland	2,607,540.00	31,811.98
Michigan	17,680,610.00	565,249.10
Minnesota	11,211,000.00	403,596.00
Missouri	4,217,125.00	81,095.31
Montana	1,061,000.00	22,281.00
Nebraska	4,842,450.00	48,424.50
Nevada	175,000.00	7,199.50
New Mexico	401,000.00	17,283.40
North Carolina	1,317,500.00	24,360.57
North Dakota	1,897,000.00	61,870.65
Ohio	22,828,073.00	45,656.15
Pennsylvania	19,394,886.50	77,579.54
Rhode Island	648,500.00	2,594.00
South Carolina	1,505,000.00	135,570.40
South Dakota	2,748,000.00	10,992.00
Tennessee	7,790,000.00	179,014.20
Texas	21,969,625.00	714,685.18
Virginia	3,043,900.00	30,439.00
West Virginia	2,416,066.66	13,215.88
Total	229,209,420.33	5,512,736.38

Representatives from other States are asked to vote for this bill because it is claimed that it will not affect them and their congressional districts. A bad precedent always affects a Member of Congress if he votes for it regardless of who happens to be directly affected at the time. If this bill should become a law and we must presume that the banks in other States will pursue logically and reasonably this same course and direction, the banks in the 17 States and District of Columbia listed below will also ask for a 50-cent tax reduction; and if they are successful, the amount set opposite the names of the State will be taken from the State, county, city, and all tax rolls:

Louisiana	$4,340,000.00
Maine	2,455,600.00
Mississippi	2,629,000.00
New Hampshire	501,635.00
New Jersey	28,648,575.82
Utah	$1,250,000.00
Vermont	497,500.00
Washington	2,062,500.00
Wisconsin	14,573,850.00
Wyoming	565,000.00
Alabama	6,612,400.00
California	16,716,925.00
Connecticut	3,698,426.00
District of Columbia	1,100,000.00
Massachusetts	9,190,800.00
New York	126,249,715.83
Oklahoma	8,902,500.00
Oregon	702,500.00

WILL SET PRECEDENT FOR WHOLESALE EXEMPTIONS

Let us see how far this bad precedent might lead. It is said that the stock held by the Reconstruction Finance Corporation in a national bank should not be taxed because the R. F. C. is a governmental agency. It is also true that a national bank is a governmental agency. If this so-called reasoning is carried to its logical end, the next move will be to exempt from taxation all shares of a national bank stock that are held by another national bank. Under existing law in Texas a national bank pays taxes upon its capital stock, surplus, and undivided profits less, however, the value of the real estate. These banks do not have to pay a gross-receipts tax as many other public-service corporations have to pay in Texas. Neither does it have to pay upon its commercial notes and accounts as citizens and other corporations are legally bound to pay in Texas. They are exempt from these different methods of taxation because the shares of stock are taxed; the State having elected that method of taxation. If a national bank in Texas owns shares of stock of another national bank, these shares of stock are taxed, notwithstanding the law in Texas that only the capital, surplus, and undivided profits less the amount of real estate rendered shall be taxable. If the R. F. C. is right in its interpretation and you use the same logic and reasoning, no national bank should pay taxes upon shares of stock held in other national banks. If this policy is enacted, it will lead to wholesale exemptions from taxation.

Remember that the taxes are not levied or laid upon the Reconstruction Finance Corporation. They are levied upon the assets of another corporation which the Supreme Court has held must pay the taxes in the first place.

PERMISSION TO ADDRESS THE HOUSE

Mr. MONAGHAN. Mr. Speaker, I ask unanimous consent to proceed for 2½ minutes.

The SPEAKER. The Chair may say to the gentleman there are three special orders today. The Chair does not desire to recognize anyone to make a speech until disposition of these special orders. If the gentleman from Ohio [Mr. CROSSER] yields to the gentleman from Montana [Mr. MONAGHAN], the Chair will be glad to put the request.

Mr. CROSSER of Ohio. I yield to the gentleman from Montana.

The SPEAKER. The gentleman from Montana asks unanimous consent to address the House for 2½ minutes. Is there objection?

Mr. FULLER. Mr. Speaker, reserving the right to object, on what subject does the gentleman desire to address the House?

Mr. MONAGHAN. I would like to explain why I think the pending radio bill ought to be enacted into law.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. MONAGHAN. Mr. Speaker, at the last session I introduced a bill providing for Government ownership and control of the radio facilities of this country. There is not a more powerful argument that I could present to this body for the enactment of such a law than the experience which I am having in my own State with the Power Trust, which controls the large radio station in Butte, namely, KGIR.

Since I had an idea that such tactics would be employed, on January 5 I had Mr. Albert Haskell, an undisclosed agent, apply for time on KGIR station for me the evening before the next election, July 20. The Anaconda Corporation, which I have always fought—most strenuously in connection with the

strike which occurred in the summer of 1934—realizing how beneficial time on the radio the night before election is, has not only refused to give a positive contract to my undisclosed agent but in a subtle manner refused to give me any definite contract for time, stating that they had "scheduled seven now, and will only move for some outstanding national program", in which event I would be moved to "next nearest available time." As I stated in my wire to them, this made the time so contingent that it might be midnight, at which time I would be prohibited by law from making the speech. They made no effort to disguise their discrimination.

By so doing they violated section 202 (a) of the Federal Communications Act, which makes unlawful such discrimination, and I have called upon Mr. John Tansil, United States attorney for Montana, to institute proper proceedings in the Federal court for issuance of a writ of mandamus to compel KGIR to give me a definite contract for this time.

In order that the full facts be called to the attention of the House I ask, Mr. Speaker, that this telegram be printed at this point in the RECORD.

Mr. RICH. Mr. Speaker, I shall object to the telegram until I know whom it is from.

Mr. MONAGHAN. It is a telegram I sent to the United States district attorney.

The SPEAKER. Is there objection to the request of the gentleman from Montana to print the telegram referred to?

There was no objection.

The telegram referred to follows:

MARCH 16, 1936.

Hon. JOHN TANSIL,
United States District Attorney, Butte, Mont.:

On January 5, Mr. Albert Haskell, acting as my undisclosed agent, wired KGIR radio station for time, evening July 20, night before election. The station refused to sell definite time. On January 14, I wrote to the station, disclosing my identity as principal, asking for any time available, preferably hour previously stated. Manager of KGIR, in letter to me, stated he would see me in Washington, and talk about the situation. In my office, he gave me no assurance of time. March 11, I wired setting forth the facts previously referred to and said, "I now ask an immediate response with respect to the possibility of obtaining time. Your response or failure to respond within 24 hours will be regarded as acceptance or rejection." To which I received following response: "Thought matter of time straightened out to your satisfaction when I was in your office recently and said I would reserve time as near 7 as possible for your talk July 20. Have it scheduled 7 now, and will only move for some outstanding national program in which case you would move next nearest available time. What's the matter, isn't my word good? Signed, Ed Craney." Note language "scheduled 7 now, and will only move for some outstanding national program." This time I sent the following response: "Reply regarding time July 20, so contingent it could be moved midnight when I would be prohibited by law from making speech. See no reason why given definite contract 1934 primary, months in advance, and refused this time. Refusal make time definite tantamount no assurance time, therefore, in effect, refusal. I respect your word, Ed, but have never found radio station yet willing take mine; always had sign contracts even with your station, therefore insist upon having definite contract for my own protection." To this wire I have not as yet received response. I now call upon you as United States district attorney to institute proceedings in the United States District Court of the State of Montana, to issue a writ of mandamus to compel KGIR to sell me the time which I have requested, refusal of which constitutes a violation of section 202 of the Federal Communications Act of 1934, which states: "It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for, or in connection with, like communication service directly or indirectly by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage. Section (b) charges or services whenever referred to in this act include charges for or services in connection with the use of wires in chain broadcasting or incidental to radio communication of any kind. Section (c), any carrier who knowingly violates the provisions of this section shall forfeit to the United States the sum of $500 for each such offense, and $25 for each and every day of the continuance of such offense." For your information, I have positive proof that failure to give me time is a trick by which opposing interests hope to defeat me, it having been positively asserted by a radio announcer of KGIR that I would never win the Senate race. Asked why, he said he had some inside dope. Please advise me at the earliest possible moment with respect to this matter.

JOSEPH P. MONAGHAN,
Member of Congress, First District, Montana.

Mr. MONAGHAN. I bring this to the attention of the House to urge the enactment of my bill (H. R. 8475) to provide wholesome radio programs, free from monopolistic domination and control on the part of vested interests, and to make available to all our people adequate radio service. Thus taking this great avenue of public education and enlightenment away from the Power Trust monopoly and other corporations, and putting it back into the hands and the control of the people where it properly belongs.

[Here the gavel fell.]

LABOR AND FARM POLICIES OF NEW DEAL

Mr. ANDRESEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio address recently delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ANDRESEN. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address which I delivered yesterday over a Nation-wide hook-up of the Columbia Broadcasting System.

During the past 3 years nearly $25,000,000,000 of the people's money has been spent by the administration for governmental purposes and for priming the pump so as to put the unemployed back to work in private industry. Yet, despite all of this spending the American Federation of Labor has just announced "that unemployment increased more in January of 1936 than during any January in the last 5 years." This organization reports the unemployment figures for January to be 12,626,000, an increase of 1,229,000 over December of 1935. Relief officials estimate more than 20,000,000 persons on public relief.

INCREASING NATIONAL DEBT, EXPENDITURES AND UNEMPLOYMENT

It is high time for the American people to take inventory of assets and liabilities. Who will pay the $34,000,000,000 national debt which is estimated will be on our hands by the end of the year? Why, the taxpayers, of course; and the taxpayers are not one class of the people. They are all of the people—rich and poor alike. More than 60 percent of the taxes will be in the form of indirect taxes, which are concealed, and paid by all consumers in increased costs of goods and merchandise purchased. It is estimated that the average American family pays an annual indirect tax of $300. This tax will increase so long as the administration continues to spend $2 for every dollar of income.

I sincerely believe that public expenditures should be made to take care of those in need and distress during a great national emergency, but I cannot concur in many of the wasteful and political policies practiced by the administration in the present crisis.

With twenty millions on relief and more than twelve millions unemployed, we have a right to question the administration's relief and work programs. Billions are being spent in thousands of work projects in all parts of the country. In accordance with Presidential order, these projects only provide work for people on the relief rolls. Millions of our citizens, who have used up their savings and have lost their homes, are being forced to go on relief, believing that they will secure work on some public project, only to find a Presidential order which prohibits their employment unless on relief prior to November 1 of last year.

Is such a policy fair to these unfortunate people? I have repeatedly requested the President and Mr. Hopkins to change this order so that worthy men and women may secure work when work is available. Thus far these officials have refused to recognize the appeal. Instead they have brusquely crushed the hopes of millions who are anxious to get work so as to provide for themselves and their families.

RELIEF FUNDS USED FOR POLITICAL PURPOSES

If the Federal Government is to continue the relief program, then wasteful practices and political pressure should be eliminated. Dollar value should be received for every dollar spent. The top-heavy and expensive political organization now used in the name of relief largely to build a Nation-wide political machine, should be cast into discard. Proper administration of relief would eliminate the criticism now being offered by leading Democratic Senators and House Members. But how can this evil be cured?

Federal relief funds could be distributed on a per-capita basis to county and city authorities. Up to 3 years ago these authorities had charge of local relief. They are familiar with local conditions, and, if such funds would be turned over to them, they would employ twice as many worthy individuals on necessary local projects as are now employed under the present political system. Eight billion five hundred and seventy million dollars have been appropriated for relief during the past 3 years. This sum divided on a per-capita basis would yield approximately $65 for every individual in the country. A county or city with a population of 300,000 would have received nearly $20,000,000. Such a distribution of the taxpayers' money would be on a fair and equitable basis and the funds would be more than adequate to take care of local relief problems. Local machinery is at hand, but I assume that the acceptance of this proposal would interfere with the administration's political plan.

What has happened to the relief money? Why are the unemployment and relief rolls constantly growing? Why doesn't the President change his relief policy so that worthy unemployed may

secure work before being forced to go on relief rolls? Is it because they must first become a part of a great political machine before they can secure work on public projects, or what is it? The American people, and particularly the unemployed, have a right to hear the answer.

AMERICAN MARKETS FOR LABOR AND FARMER

Millions of unemployed could be put back to work today in industry and agriculture if the administration would permit our farmers and laboring men to enjoy the full benefits of the American market. This country is the best market in the world. The unemployed and the millions of farmers who are barely able to eke out a living, are the best potential customers for automobiles and other manufactured and farm products produced in this country. Unemployment will continue to increase and agricultural distress become more aggravated so long as the New Dealers pursue the policy of giving our American markets to foreign farmers and cheap foreign labor.

I do not suppose there is any point in repeating to the New Dealers that this country cannot compete with other countries in production, for the reason that labor costs, taxes, and standards of living are lower in other countries than they are here.

AGRICULTURAL IMPORTS INCREASED FOR 1935

We have listened to the purr of the New Deal about the increase of hundreds of millions of dollars in exports, but what are the facts and figures for 1935? The Department of Commerce supplies the answer. Its report shows that in 1935 our exports were 7 percent greater than in 1934, and the increase for total imports for the year was 24 percent. A large percentage of the increase in imports consisted of competitive farm products now produced in sufficient quantity in this country to take care of domestic consumption.

Under the theory that we were producing a surplus of farm products, the farmers of this country were induced to take around 30,000,000 acres of farm land out of usual production so as to produce less. They complied with the idea of scarcity only to find that after 3 years of experimentation, they were providing an abundant American market for cheaply produced foreign farm products of the same kind as they took out of production.

For the benefit of the farmers, I will give some of the farm imports for the year 1935 and the percentage increase over 1934: 202,000,000 pounds of wool, an increase of 85 percent—this represents wool from 25,000,000 foreign sheep; 17,500,000 bushels of flax, an increase of 24 percent—this represents flax from 1,750,000 acres of foreign land; 27,400,000 bushels of wheat, an increase of 255 percent—at 15 bushels to the acre this wheat represents 1,830,000 acres of foreign land; 43,200,000 bushels of corn, an increase of 1,361 percent—at 40 bushels to the acre, foreign corn farmers were given a market in this country for more than 1,000,000 acres of corn land; 9,600,000 bushels of rye, an increase of 27 percent—at 15 bushels to the acre, this item represents 640,000 acres of foreign land; 364,623 head of cattle, an increase of 532 percent; 320,000,000 pounds of malt made from barley, an increase of 66 percent. In addition, 4,839,000 bushels of barley were imported. This barley and malt provided a market for more than 700,000 acres of foreign farm land.

I hope some of the cotton farmers will hear the next item of imports. One hundred and sixty-six million pounds of cottonseed oil—an increase of 1,720 percent over 1934.

Then, to cap the climax, and for the particular benefit of the dairy industry, the New Dealers have put their stamp of approval on the importation of 22,674,000 pounds of butter, which is an increase of 1,948 percent over 1934. The total dairy imports for 1935, in terms of milk, amounted to 1,118,000,000 pounds. At 4,000 pounds of milk per year for the average milk cow, the dairy farmers of this country gave way to 279,000 head of foreign milk cows. These cattle consumed feed and pasture from several hundred thousand acres of land. Surely a governmental program in which our domestic market is given to foreign farmers can be of no benefit to American agriculture.

RECIPROCAL-TRADE AGREEMENTS

Apparently the administration was not satisfied with the damage already done to agriculture, so last year the President and the Secretary of State proceeded to negotiate reciprocal-trade agreements with many foreign countries which permit an additional importation of competitive farm products under greatly reduced tariff rates.

It cannot be out of place for me to call your attention to a promise made by the President in Baltimore on October 26, 1932. I quote from his speech: "I know of no excessive high duty on farm products. I do not intend that such duties shall be lowered. To do so would be inconsistent with my entire farm program."

Did the President keep this pledge to the farmers? He did not, for on January 1 of this year he put into effect the crowning achievement of his administration in the form of a reciprocal-trade agreement with Canada. Dairy, livestock, and poultry farmers were required to bear the major sacrifices of this agreement. Protests were lodged with the administration by farm organizations and farm leaders against any reduction of agricultural duties, but they were brushed aside in the merry scramble to give away the domestic market to foreign farmers.

While we do not have official figures to show the results of the trade agreements, Department of Commerce reports disclose a large increase in farm imports for the month of January this year as compared with January of 1935. Cattle imports increased from 5,828 head to 21,410 head; butter increased from 539,124 pounds to 859,644 pounds; beef, pork, veal, poultry, and mutton increased from 6,491,296 pounds to 11,722,320 pounds.

The farmers of Canada are jubilant over the fact that the President of the United States has provided them with a good market in this country. On the other hand, we hear grumblings of protest from American farmers that their home market is being taken away from them. Why shouldn't they protest? Before the shades of November are drawn, these farmers will register their protest in understandable language.

INCONSISTENCIES OF FARM PROGRAM AND PROPOSALS

It is not my purpose to criticize the policies and expenditures for agriculture during a time of emergency. I know that the millions of checks sent to the farmers helped increase the income of those who received them. In my opinion, the farmers of the country must have their income and purchasing power restored before we can have complete recovery for all branches of our complicated economic structure.

The farm problem is not a political proposition, nor can it be cured by one stroke of the pen in a single piece of legislation. The time has come for the adoption of a permanent program, and, therefore, I feel that we have a right to criticize the evils and inconsistencies of the New Deal plan now in effect, so as to bring about the enactment of beneficial and constitutional laws which will be of lasting value to American agriculture and the country as a whole.

I have pointed out some parts of the farm program which I believe are inconsistent, and in the long run, will work to the disadvantage of domestic agriculture. If our farmers are to curtail production, then they should have the full benefit of the domestic market as the first principle in any sound program. The reciprocal-trade arrangements should be canceled, and the law passed in the Seventy-third Congress granting absolute authority to the President to negotiate trade agreements should be repealed.

I feel that the farmer and home owner should have the lowest possible rate of interest upon their indebtedness. The adoption of a soil-conservation program of equal benefit to all branches of agriculture will be for the general welfare of the entire country. Our foreign markets can be reestablished by the payment of export bounties on surplus products, and subsidies should be paid on that part of the production which goes into domestic consumption so that all farmers may have the benefit of the tariff.

Time will not permit a complete discussion of the suggestions which I have made. Upon one issue at least all right-thinking people should agree, and that is, if we are to have recovery in this country, then the American laboring man and the American farmer should have the complete benefit of the domestic market without foreign interference. After this has been accomplished we can begin building upon a sound foundation for permanent prosperity for the entire country. It is time to take an inventory in order to chart our course along American lines for a better day for all of our people.

Mr. WITHROW. Mr. Speaker, inasmuch as the gentleman from Ohio [Mr. CROSSER] will soon be recognized to speak on a very important question, I feel that in fairness to the House I should make a point of order that there is not a quorum present.

The SPEAKER. Will the gentleman withhold that a moment until the Chair recognizes some Members who have unanimous-consent requests to submit?

Mr. WITHROW. I shall hold it in abeyance, Mr. Speaker.

THE LATE GEORGE EDMUND FOSS

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes in order to announce the death of a former Member of this body.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHURCH. Mr. Speaker, it has come to my attention that Hon. George Edmund Foss, former Member of Congress from the Tenth Illinois District, which I am now privileged to represent, passed away Sunday afternoon at Ravenswood Hospital, Chicago.

He was elected to the Fifty-fourth Congress and served for 20 years as a Member of this body. Some of you here today were colleagues with him during his term of service. Having had the privilege to work with him in intimate association, I know that this announcement of his death will come as a message of sorrow. He was loved and respected as a man and a statesman.

While a Republican in politics and loyal to his party, he recognized always the higher loyalty to God and his country. For such loyalty and devotion to duty, he leaves with us a lasting memory of a truly great man. I only hope that I as a successor of his in office can serve as well.

Congressman Foss was born of a New England family in Vermont on July 2, 1863, graduated from Harvard Uni-

versity in 1885, attended the Columbia Law School and the School of Political Science in New York City, and was graduated from the Union College of Law at Chicago in 1889. He was admitted to the bar and commenced the practice of law in Chicago in the same year that he graduated from law school.

At the same time that Congressman George Edmund Foss was in the service of his country here as a member of the Republican Party, his brother Congressman Eugene Noble Foss, and later governor, was also in the service of his country here as a Democratic Member of this body from Massachusetts. To my knowledge it is the only family that has the distinction of two brothers being Members of Congress at the same time from different States and each of a different political faith.

Mr. Speaker, as a personal friend of our deceased colleague, out of reverence for his memory and the noble service he rendered to God and his country, and in respect to his family, I convey this message to the House.

ST. PATRICK'S DAY AND THE UNKNOWN SOLDIER

Mr. STACK. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes on the Unknown Soldier.

The SPEAKER. Does the gentleman from Ohio [Mr. CROSSER] yield for that purpose?

Mr. CROSSER of Ohio. Yes, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to address the House for 3 minutes on the Unknown Soldier. Is there objection?

There was no objection.

Mr. STACK. Mr. Speaker, ladies and gentlemen of the House, this is St. Patrick's Day. The day when the red blood that courses through our Irish veins races a little faster; the day when the Irish mind turns, in loving contemplation, to the deeds and accomplishments of those who gave it being; when the Irish heart lilts a song of hope for better days and better times for the homeland, the Isle of Saints and the land of song; the day when all the world joins in honoring the memory of him, who, 15 centuries and more ago, carried the story of the tragedy of Calvary from the uttermost bounds of Ireland to the confines of the Black Sea; the day when the people of our country in particular, by a seemingly unanimous consent, offer their homage to the patron saint of Ireland, and by so doing pay tribute to an unconquered and unconquerable race. And it is not without reason that our people do this. It is not without a deep sense of justice and appreciation that the liberty-loving American Nation accords this tribute to St. Patrick and the Irish people who, though downtrodden in their native land, carried to the four corners of the world and to our country in particular in the days of its infancy and pressing need, that spirit of independence and love of liberty which has ever been enshrined within the Irish heart, and which is the very well-spring of our national life. Not only did the sturdy sons of the Gael bring with them to our shores a love for liberty; not only did they accept and embrace the idealistic doctrine of freedom and independence which they found rising like a flood tide in colonial days, but they gave to it concrete expression by their deeds of valor on land and sea and sealed their compact with liberty by laying down their lives that it might live.

To call the roll of the Irish who played leading parts in the making of our Nation or to attempt to rehearse the story of their loyalty, their sacrifices, their sufferings, and their indomitable courage and perseverance, or even to recount those particular incidents where their heroism reflected glory on our arms, would be a recital far too long for the short time at my disposal. But I cannot let pass this occasion without at least a reference to the incomparable Jack Barry, half Yankee and half Irishman, as he denominated himself, father of the American Navy, at whose monument I engaged this morning in patriotic exercises to commemorate his memory. To Barry belongs the honor of being the first American naval officer to engage, under the Stars and Stripes, a naval enemy, and the first to bring victory to our flag upon the high seas.

Perhaps I could not do better, in the nature of a summation of the contribution of Ireland to the cause of American liberty—to the making and salvation of the Nation—than to quote the words of the poet:

Can you doubt our Irish fealty—
Call your muster of the dead.
Find a field in all your history
Where no Irish heroes bled.
Where their valor shed no lustre
On the flag that ne'er can fade,
From the days of Wayne and Moylan
Down to Meagher's Green Brigade.

In addition to my participation in the exercises at the Barry monument I also had the exceptional honor, this morning, of participating in the commemorative services at the Tomb of the Unknown Soldier, under the auspices of the Irish War Veterans, U. S. A. The services were conducted by Walter Ferry, national commander; John Connolly, senior vice commander; Elmer McGinnis, junior vice commander; Joseph B. O'Rourke, chaplain; Chris C. Nugent, junior adjutant; Edward Durning, quartermaster; James Caffery, officer of the day; Philip Fitzpatrick, sergeant major; John Hennessey, sergeant at arms; Arthur Cokeley, service officer; George A. Henderson, judge advocate; and John J. McLaughlin, chief of staff, the national officers of this association, who gathered from all sections of the country to collaborate with the local committee, composed of Edward J. J. McGrory, commander; Patrick J. Taft, senior vice commander; John W. Barrett, junior vice commander; George A. E. Prendergast, adjutant; Edward F. Tierney, quartermaster; W. R. McLister, chaplain; Robert G. Smith, judge advocate; and Michael J. Sullivan, sergeant at arms; all officers of District of Columbia Post, No. 17, Irish War Veterans, U. S. A.

Perhaps one of the most impressive monuments to the heroic dead of any land or nation is the sarcophagus at Arlington, and no man, much less a soldier and a veteran, can stand beside this monument without feelings of deep emotion. It is not possible to contemplate this magnificent testimonial of a free people to its honored dead without experiencing a consuming sadness for those of our people whose loved ones answered the call when the alarm of war sounded through the land and were, by fate, denied even the right to claim their ashes.

I know of no way on March 17 by which we Americans of Irish lineage or birth could better demonstrate our undying love to our country, our fealty to its laws, our duty and love to its heroic love for its defenders, our respect to Ireland itself and to Saint Patrick, than by appropriate exercises at that hallowed tomb.

We, therefore, devotedly and humbly, but nevertheless proudly, assembled there today, the anniversary of the feast of Ireland's patron saint, to place thereon a simple emerald wreath in testimony of our respect and honor for the Nation's dead. We could not help but feel that the good saint himself, together with the spirits of those thousands of Irishmen who had given their all in defense of these United States, smiled a benediction upon our actions. The Unknown Soldier to the American people is symbolic of everything that their national history holds chivalrous, valorous, holy, and dear. It is possible that he was an Irishman by right of birth, for thousands of such wore our national uniform in the World War. It is possible also that, though American born, a heritage of warm, red Irish blood pulsed through his veins. No matter what the lineage may have been, significant only is the fact that he was an average everyday American, enjoying his every breath of life, loved and respected within his own particular social circle when the Nation called him in 1917. In unison with those Irish veterans who today did him honor, cheerfully responded in order that these United States might continue to the fulfillment of its noble destiny. From him the United States could expect no more, from us, nothing less.

Ireland is deeply indebted to the hospitality of our great Nation, but it is fitting that it be proclaimed that the indebtedness is of dual nature. We know that this grateful land has never failed to acknowledge the fact that Erin's contribution, Catholic and Protestant, to national growth,

played a major role in the founding and developing of America; her sons and daughters have contributed to every period in our history, and their influence has been felt in widely varied walks of life.

The Unknown Soldier belongs to all of our people, and his memory is immortal. Nothing that I or anybody else might say could possibly add to or take from his glory. As American war veterans of Irish lineage or birth, we gather today, simply, and humbly, but proudly, to lay a wreath of remembrance upon that marble tomb where reposes his clay, and to pray for the repose of his eternal soul.

The Unknown Soldier, we hope, has not died in vain. We Irish, either by birth or descent, hope that the principles for which we both fought will forever live. [Applause.]

(Mr. STACK asked and was given permission to extend his remarks in the RECORD.)

THE GOVERNMENT'S REPUDIATION OF INDIAN CLAIMS, AND HOW IT IS DONE

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made on yesterday.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. BURDICK. Mr. Speaker, under leave to extend my remarks made on the floor of the House on Tuesday, March 17, on the subject of the Turtle Mountain Band of Chippewa Indians, I desire to say that this Congress is no different from the many Congresses that have convened and adjourned since this Nation began in respect to the Indian question.

This much is certain: That when our forefathers landed on the shores of this continent they found it inhabited by Indians. How long they had occupied and used the country no one definitely knows. It may have been a thousand years; it may have been 6,000. The fact that we are concerned with is that they were here in possession of the country in the year 1000, when the first white man stepped on our shores.

We became the principal occupants of this entire continent. The area occupied by Indians was gradually made smaller through the years, by Indian wars, by Indian treaties, and finally by acts of Congress without the consent of the Indians. Today the 340,000 Indians occupy less than 47,000,000 acres of land, or less than the area of North Dakota. The Indian population has gradually become less and less as the years have passed.

When the Government was formed there were 1,000,000 Indians in this country.

We gained the principal part of the territory from the Indians by means of treaties, solemnly entered into between the Indians and the Government.

This Government recognized treaties up until the year 1870, when, by acts of Congress, treaties were abolished. All former treaties were, however, recognized, and the Supreme Court of the United States has decided, in many cases, that rights accruing to Indians under treaties made prior to 1870 shall be protected and recognized in all things. It is a comparatively easy matter, therefore, to trace an Indian claim against the Government for damages for the violation of treaty rights.

In connection with the treatment of Indians under acts of Congress since treaty days it must be remembered that the Indian status has changed. At one time Indian tribes were recognized as sovereign nations. Since that time our contact with them has been under the relationship of guardian and ward. This Government assumed a guardianship over the Indian and his property without the consent of the Indian, and that status still remains. We have made him a semicitizen, but we have never lost our control over his property and have molded his future in any pattern we saw fit to prescribe. In dealing with the Indian, therefore, under this guardianship relation, it is vastly different from treating with the Indian under full freedom as an American citizen. At every step we are, by law, acting in a fiduciary capacity—one that demands of us the utmost good faith and fair dealing. A higher degree of good faith, integrity, and fair dealing must always be exercised in transaction between guardian and ward than that required between persons not handicapped by an inferior status.

The Indian lands, defined and circumscribed in treaties, solemnly made, have been gradually but surely taken away from them. This has been accomplished by violations of recognized treaties and acts of Congress. The Indians have been advised, encouraged, cajoled, and bluffed into accepting acts of Congress by the very Government agencies created to protect the Indian. Through this course of Congress through the years there has been accumulating a long list of damage suits against the Government. From quite definite information, I am safe in stating that today the Indians of the United States have just claims against this Government that will total $4,000,000,000. In every Congress there are a great many bills asking Congress to pass a jurisdiction bill authorizing the Indians to present their claims against the Government to the Court of Claims for adjudication. It should also be remembered that the Government cannot be sued without its permission, and before the Indians can present a claim for damages they must secure from Congress the right to prosecute such a claim.

There should not be any objection on the part of the Government to permitting Indians to prove their claim. There ought not to be any objection to a jurisdictional bill if the Government had no fear of past bad faith. These jurisdictional bills are always fought on the floor of Congress and the reason given is that we owe the Indians so much that it would bankrupt the Government to pay them. In this way the evil day has been delayed and delayed until damages for more than 100 years have accumulated.

The attitude of the Government now is and has always been a complete repudiation of debts due Indians. The Government, through its officers and leaders, prates of the sacredness of Government credit, Government honor, and the mere suggestion of repudiation of ordinary Government obligations is met by a storm of scathing denunciation. But I charge here now, and stand ready to prove it by the Government's own record, that this sacred honor of the Government in the protection of its credit has been so shamefully repudiated by the Government in respect to debts due Indians that there is no such parallel in any government that ever existed on earth of such base, intentional, and preconceived repudiation.

I have not the time to city many cases, but any one I do call attention to is similar to thousands of others. Here is one:

THE TURTLE MOUNTAIN BAND

At one time the Chippewa Indians inhabited, occupied, and used a tract of land in Dakota beginning at a point on the Canadian line 30 miles west of the Red River of the North and extending westward along the Canadian line 63 miles, thence south 15 miles, thence due east to a point 30 miles west of the Red River. In this area were 945,000 square miles. This tract was ceded to these Indians by treaty stipulations. By various treaties afterward made and through methods that would not stand up in a court of equity, this great territory was reduced to 10,000,000 acres of land. By Executive order in 1882 all of this land was opened up for homestead purposes and 1,000,000 acres retained as a reservation. Nothing was paid the Indians for this land, and the whole transaction was carried on without the Indians' consent.

In 1904, or 22 years later, Congress ratified an agreement with the Indians to pay them $1,000,000 for these lands so taken. Congress made certain conditions and reservations which necessitated the act going back to the Indians for their approval of the changes made in the agreement. The changes were never ratified by many bands and never ratified by the same Indian representatives who made the original agreement.

These Indians now claim that they are entitled to reasonable compensation for these 9,000,000 acres. Just recall that the Indians received a trifle over 10 cents per acre for this land, and had to wait 22 years for it. The Government now boldly asserts that it paid the Indian for this land and therefore will not pass a jurisdictional bill permitting the Indians to show fraud, failure of consideration, or bad faith exercised by a guardian over a ward.

In this case the open, uncontradicted facts condemn the Government. The very price of 10 cents an acre, when the minimum price of land per acre on which claims of Indians have been repeatedly settled, was $1.25 per acre, is, of itself, proof of fraud on the part of the guardian. When the Government gave the Northern Pacific Railroad every alternate section of land through Dakota, extending 50 miles north and 50 miles south of the proposed line, the minimum price was fixed at $2.50 per acre, and in the grant the railroad was forbidden to sell the land for less per acre. On the face of this settlement, therefore, it shows a failure of consideration.

In addition to this, the Indians, during all of the negotiations, were presumed to be incompetent. They were wards of the Government. The Government was charged with the fiduciary duty and obligation of protecting the interests of its ward, who was incapable, in law, from protecting itself. This situation demands the utmost good faith and good conscience. Applying this rule to the payment by the Government of $1,000,000 to these wards for 9,000,000 acres of land convicts the Government of bad faith and outright dishonesty.

All these Indians now ask is that they be permitted to present their claim against the Government to the Court of Claims. But this Congress says "no." "No, sir; we paid you once, now get out of here. We will not let you prove that we were dishonest with you."

Those who are not Members of Congress cannot, of course, understand how this attitude of Congress is sustained. Why cannot the Indians get action? I will answer that question now. The Indians in this case have not a chance on earth to have their case heard unless there is an accident in Congress—unless some Member falls dead just before the bill comes up. There are always some Members in Congress who say, "To hell with the Indians." They watch these bills and when the bills come up they do their stuff. Here is how it is done:

A bill comes before Congress in one of four ways:

First. It may go on the Consent Calendar. If the bill is on this calendar, one Congressman out of 435 can get up in his seat and say, "I object to the consideration of this bill." That settles it—one objection stops the bill. This is what happened to the bill of the Turtle Mountain Band of Chippewa Indians. The bill was on the Consent Calendar, and one Congressman made an objection, and that ends the bill. If objected to a second time, it goes back on the Union Calendar.

Second. Union Calendar bills on this calendar come up on Calendar Wednesdays and the committees come up in order, unless by a suspension of the rules, requiring a two-thirds vote of the House. For instance, the District of Columbia has Calendar Wednesday. At this session there will be no Calendar Wednesday for Indians because we had Calendar Wednesday for Indians during the closing days of the first session. Before we can reach that position again Congress will have adjourned.

Third. By rule: Bills come before the House on a rule adopted by the Rules Committee, but in theory only those bills advocated by the administration or of great prominence in the public eye, ever come on the floor by a rule. This excludes Indian bills, especially those which merely provide jurisdiction.

Fourth. By petition: If an Indian bill could get the signatures of 218 Members it could be brought on the floor of the House without a rule, but on the average Indian bill I predict that 50 signatures could not be obtained in the whole House.

Thus it is that Indian legislation is defeated year after year. Year after year the Indian claims for damages pile up, and year after year the Indian is denied the chance to prove his damages.

Should the Indians be successful in obtaining a jurisdictional bill, then the case is presented to the Court of Claims. On an average it takes 7 years to get a decision in the Court of Claims. Many Indian claims have been pending for over 15 years and end is not yet.

This Government did not complain about its sacred credit when it loaned $10,000,000,000 to the Allies. The Government has never said that our Nation will be bankrupt because the Allies will not pay us. They have not paid us, they do not intend to pay us, and this Government knows it.

All this Government will do about these foreign debts is to charge that those Governments, especially France and Italy, repudiated their just obligations. The Government is not in a position to talk repudiation to anyone, since it has repudiated the just claims of the first Americans against it. With less than half of the money squandered in loans to foreign countries we could have paid every last Indian claim, abolished the guardianship over the American Indian and turned him loose as a free citizen.

That would have ended the Indian question, and it will not end until these claims are paid and the shackles taken off the wrists of the Indians.

This Congress is and has been for years pretty well committed to the policy of committee control of legislation, and ordinarily the pronouncements of the committee members have great weight with the House. That is true of all committees except one—the Committee on Indian Affairs. I was put on this committee by the Republicans, but when a bill comes out approved by all the Republicans on the Committee of Indian Affairs that makes no difference to the other Republican Members. The recommendations of the Republican members is totally ignored by the Republicans. The unanimous recommendation of all Democratic members on the committee makes no difference to the Democratic Congress, and when an Indian bill comes up with the support of the Democratic members of the committee, the Democrats in the House rise up thicker than cornstalks and object to the legislation.

How different it is with other committees. When the Committee on Agriculture reports a bill, that is the bill that will be passed and no other bill. One who takes issue with the committee may have the satisfaction of following the dictates of his own conscience, but his influence is stopped before he begins because—because what? Because he is not in accord with the committee.

This question cannot be smothered; this question will haunt this Government until it is settled and settled right. So far as I am concerned, I shall never agree with the policy this Government has pursued and is pursuing in regard to this Indian question. It is wrong and cannot be defended.

I could give other examples, many of them, hundreds of them, a thousand of them, but in all you will find that same spirit of injustice and broken faith which is so glaringly present in the Turtle Mountain case.

The SPEAKER. Under the special order of the House, the gentleman from Ohio [Mr. CROSSER] is recognized for 30 minutes.

THE CAUSE AND CURE OF UNEMPLOYMENT

Mr. CROSSER of Ohio. Mr. Speaker, in a speech in Congress on July 1, 1930, discussing the subject of unemployment, I stated that the wealth in the country at present is 650 times as much as was in the country at the time the Government was established. I further stated that, of the total wealth in the United States today, each person owns only one-fiftieth of the percentage which on the average constituted the share of each person in the wealth of the United States at the beginning of our Government. As year after year more of the wealth produced in our country has gone into the hands of fewer and fewer people, unemployment has increased more and more. These facts show great injustice in the distribution of wealth, with the result that the people have suffered untold hardship. All kinds of plans have been urged to cure the evil. The remedies which we hear most frequently suggested are unemployment insurance, old-age pensions, and measures of that kind.

AUTHOR OF FIRST LABOR PENSION LAW

I introduced and worked successfully for the first pension measure ever passed by Congress, providing for the retirement of aged workers employed by private interests. For the benefit of old people in general, I favor also the most

liberal old-age pensions that can be provided by sound legislation. Let us consider every plan, proposal, or suggestion and do everything possible to provide a truly liberal and satisfactory old-age-pension law.

MEASURES WHICH MAKE MORE BEARABLE BUT DO NOT REMEDY INJUSTICE

It is important to note, however, that just as morphine quiets the pain of the body without curing the disease, so measures such as those to which I have referred, merely make more bearable the unjust distribution of wealth, but do not cure the evil by removing the cause of the injustice. Regardless of how much we improve such laws, we do not remedy the injustice resulting from the unjust distribution of wealth. With a sound economic system we should have no unemployment against which to insure and people would earn enough to provide handsomely for old age.

Certainly we should assist in a practical way those who are unemployed and make every possible provision for those who have reached old age without sufficient means to enable them to live comfortably. While, however, we should help rescue from drowning people being carried violently down a river, it is even more important for us to go up the stream to remove the cause which is forcing them into the river. We must find the cause of unavoidable unemployment and poverty.

In the time which has been allowed me I shall point out what I consider to be the cause of unemployment and poverty and the remedy for the evils.

MONEY SYSTEM AND ITS RELATION TO UNJUST DISTRIBUTION OF WEALTH

Mr. Speaker, many people have the notion that a change in the laws relating to money would correct the great injustice in the distribution of wealth. I have not time to fully discuss the money question, but will say a few words as to its relation to conditions of labor and business. Many persons are sure that inflation—that is, the increase of the amount of money in the country—would remove all our troubles in the way of poor business and unemployment. The purpose of inflation is to lessen the value of the dollar—that is, of money. The value of money is measured by the value of goods. The lower the value of money, therefore, the less goods or services it will buy. On the other hand, deflation is wrong. The purpose of deflation—that is, of decreasing the amount of money in the country—is to increase the value of money. The higher the value of money the more goods it will buy.

It is very important and necessary that the value of our money be unchanging so that it will buy as much goods, in general, at one time as at another. In other words, we should have a stable standard of value. To restore the value of money by reducing its value to what it was 10 years ago when most of the present debts were incurred would not be unreasonable, but merely a reduction of the value of money to what it was when the money was borrowed.

MUCH CONFUSION IN REGARD TO MONEY QUESTION

There is no question about which there is so much confusion in thought as there is about the money question. It is argued by some that since the Federal Reserve banks issue money on the basis of a gold reserve, the Government in like manner should print money according to the value of the gold in its vaults. The theory upon which Federal Reserve banks issue money is, in my opinion, not correct, and the Government's doing the same thing would not make it right. Moreover, the mere printing of billions of dollars of money would not get it into the hands of the people.

From a scientific standpoint, money is not in itself wealth. Goods and commodities are wealth. Money issued, in accordance with scientific principles, may be regarded practically as an order upon the public for property or services equal to the value stated on the face of the money. Money, therefore, should be issued for the purpose of making easy the sale and purchase of goods or property. If it does not represent the value of property or services, then it constantly tends to uncertainty in value. I traveled through Germany in 1923 and stopped first at the city of Cologne. As you know, the usual, or standard value of a mark is a little more than 23 cents, but I bought 1,000,000 marks for a dollar on my first day at Cologne, and in less than a week later I bought 4,000,000 marks for a dollar at Munich, Germany. In other words, at Cologne for $1 I got what ordinarily would have cost $230,000, and at Munich for $1 I bought marks which usually would have cost $920,000. The people of Germany were in terrible circumstances, and I saw many pinched and haggard faces.

To function properly money must be unchanging in value or, in other words, stable. If a commodity, such as one of the precious metals, be made the standard of value, then it is sure to be a changing standard of value. Then the greater the demands of trade for the use of such money, the higher becomes the price of the metal, for example, gold, which may be used as money. The rise in the price of gold would mean that the gold, or money based on gold, would buy more goods, and that would mean that the prices of commodities and the wages of labor would become less. It should be clear, then, that nothing of intrinsic value—that is, nothing with value in itself—should be made the standard of value, nor by law be constituted money.

SOUND PRINCIPLES OF A CORRECT MONEY SYSTEM

A sound, stable money could be provided by establishing as the standard of value the average value of the almost 800 commodities in which the people of the United States deal. The old system made it possible for one commodity—gold—to determine the value of everything else. When the supply of gold was limited, either by the money changers or because of insufficient output from natural resources, the value of gold increased and so a certain amount of gold, such as the quantity of gold in a dollar, bought more of all other things than it would buy before. The farmer received less in money for his grain, and the workman received less in money for his labor. If, on the other hand, gold, and therefore the money based on gold, should decrease in value, the money would buy less of commodities or household goods and a little money saved by anyone would not buy as much as when he got it.

A change either up or down in the value of money always does great injustice to someone. Money, based on one commodity, whether gold or something else, is constantly changing in value and, therefore, is always causing injustice to some of the people. If, however, the standard of value, that is, the value of money, were the average value of all commodities in which the American people deal, then each commodity would have an equal influence in determining the value of money. This would assure us of an unchanging standard of value; a sound money.

PROPER METHOD FOR CIRCULATION OF MONEY NECESSARY

Even the much-desired establishment of an unchanging and sound standard of value will not in itself however give us a satisfactory money system. There must be provided also a scientific method for getting the money into the hands of those desiring to deal in real wealth; that is, in commodities and other things which satisfy human needs. Money is practically a certificate by government that the holder of such certificate, called money, has given goods or services equal to the value stated on such certificate; that is, money. Those engaged in trade and industry must be enabled to conveniently procure money for their goods and services. I have not time to fully discuss proper provisions of law to enable people to secure, when desired, money for their goods. Let me say, however, that no private person or company should be allowed to issue money or to fix its value. Only the Government, through a proper central agency, should have authority to do that.

In a general way, it might be stated also that there should be established branch agencies of such central Government monetary agency. A person should have the right to apply to such agency for money on the security of goods owned by him. The agency should have authority then to deliver, in money, to the applicant, the largest percentage of the value of the goods that could be advanced without danger of loss to the Government. If the Government agency were to give the applicant money, amounting to half the value of his goods, the owner would still have in the goods a half interest

for which he would not have received money. He would, therefore, need to find a customer so as to get money for his remaining interest in the goods. The money received from the Government agency on the security of goods would make it possible for the owner to take time to find a buyer who would pay a fair price for the goods and so enable the owner to avoid being forced to sell his goods at a loss. On the other hand, the danger of losing his uncashed rights in his goods, because of a less-than-cost price, caused by oversupply, would compel the owner to consider carefully what amount of goods he could produce and be reasonably sure to sell at a fair profit.

The application of the principle just outlined would make possible on the one hand the issuance of any amount of money required by actual trade and industry, and, on the other hand, would cause the return of the money to the Government when it had served its purpose. In short, it would provide what is called an elastic currency.

THEORY OF ACCELERATION OF CIRCULATION OF MONEY OR FORCED SPENDING

It is important to note, however, that neither one kind of money nor another can be eaten as food or put on as clothes. Money may be regarded in the nature of an order on the general public for what the person with the money may desire. In that sense it is proper assistance in the production of real wealth, the things we eat, wear, or otherwise use.

A correct system of commerce should enable everyone to produce and exchange goods on fair terms. The possession of money should indicate that the person having it has given for it something equal to the value shown on the face of the money. Unless, however, an increase of money represents an increase in the amount of commodities, of real wealth, then it is not reliable money.

It is a mistake, to believe that we can improve business and commerce by giving some of the people, at stated times, a certain amount of money and forcing them to expend it within a certain time. The so-called demand for goods resulting from such a practice would be altogether artificial and for a short time would force the production of goods beyond the ordinary requirements of the public, and then the forced buying or demand for goods, like all increased demands, would raise the price of goods. With the rise in price the demand would lessen or, in other words, sales would fall off. If, to keep such a plan going, we were to increase the volume of currency in the country, without at the same time increasing the production of real wealth, we should be simply cheapening the value of all money by putting into circulation money not representing true wealth. On the other hand, if we were not to increase the total volume of currency by a new issuance of money, but instead were, by taxation, to compel one part of the population to give part of its money to another part of the population, then we merely would be increasing the means of buying for one part of the population by taking the means of buying to the same extent from the other part of the population. The operation of such a plan might give momentarily the appearance of increased activity in business, but in a very short time it would be found that the volume of business would lessen.

EVEN A CORRECT MONEY SYSTEM NOT SUFFICIENT REMEDY FOR UNEMPLOYMENT

Mr. Speaker, I am not one of those who believe that the establishment of even an unchanging and perfect standard of value will prevent injustice in the distribution of the wealth of the country. It would, of course, prevent the specific injustice resulting from a change in the purchasing power of our money. A greater injustice, however—yes; the greatest of all injustices of an economic nature—is due to a total disregard of the true laws of distribution of wealth produced by the cooperation of labor, capital, and natural resources.

FACTORS ENGAGED IN ALL PRODUCTION

According to all of the classic writers on the subject of political economy, three factors are engaged in the production of all goods and commodities. The earlier writers named the three factors land, labor, and capital. Later writers use the terms natural resources, labor, and capital. The use of different terms, however, is of no real importance. Whether we use the term "land" or "natural resources", what is meant is the earth in some form or other. No material thing, no goods or commodities, can be produced except from the earth. Labor and capital applied to the earth, or what is taken from the earth, supply the commodities and goods which people use.

I have referred already to the constant decrease in the percentage owned on the average by each person in the total wealth of the country. We saw that the percentage of the total wealth owned on the average by each person today is only one-fiftieth of the percentage of the total wealth owned on the average by each person when the United States Government was established.

CAUSE OF THE UNJUST DISTRIBUTION OF WEALTH

The explanation of this manifest injustice is, I think, perfectly clear.

Of the goods or commodities of any kind that may be produced by labor, capital, and natural resources working together, the share of labor is wages, the share of capital is interest, and the owner of the natural resources, which may be used with these two, receives all the rest.

The price, that is, the wages paid for labor, like the price of anything else, depends on how much labor is needed and how many workmen desire to sell their labor. When our country was new, in order to produce a certain amount of commodities, many times the number of workmen were needed than are now employed to produce the same amount of goods. That caused a greater demand for workmen. Among employers there was more competition for men's services. Workmen, therefore, could and did demand a larger share of what was produced; or, in other words, asked better wages. In late years, however, because they were better trained, more skillful and used better tools and machinery, workmen produced commodities in much less time than was at first needed to make them. It is true also that the increase in the general intelligence of the people has made common the better methods of doing practically everything and so has helped to produce more goods in the same or even less time.

Those who have controlled the natural resources, the agencies of production and have employed men, have just claimed for themselves the value of all the time saved as a result of workmen's increased skill and intelligence, and the use of machinery. They cannot morally justify such a claim.

The reason why those in control of the agencies of production can take for themselves the benefits, the value of all the time saved as a result of the education of the workers and the use of machinery, is that they have a practical monopoly of the natural resources. Because, in a certain time, by the labor of fewer and fewer men, the same amount of commodities can be produced, those who control the land and resources upon which men must labor to produce goods can and do discharge more and more men. Suppose that a dozen men owned the whole North American Continent. They could then order workers to work as long each day as they might desire to have them work and give them as little pay as they might see fit, provided such wages would keep them well enough to work. If the men were to refuse to work upon such terms, the owners could order them off the continent, and all they could do then would be to go into the ocean. Because, therefore, men must work on the earth for a living they can be forced to surrender to the owners all the benefit and value resulting from labor's increased producing power. The more goods men can produce in a day the more men can be discharged and turned into the army of the unemployed. This army of unemployed is then the means, the weapon, used to force men, remaining employed, to work as long as or longer than they worked when producing less goods. In short, the unemployed are used to lower constantly the condition of labor and the standard of living.

The philosopher Schopenhauer stated the matter forcibly when he said:

> Whether I own the peasant, or the land from which he must obtain his nourishment, the bird or its food, * * * is practically a matter of small importance.

Thomas Paine said:

Landed monopoly has dispossessed more than half the inhabitants of every nation of their natural inheritance.

In Ecclesiastes it is said:

The profit of the earth is for all.

Henry George, author of the greatest book on political economy ever published in the United States, wrote as follows:

Place 100 men on an island from which there is no escape, and whether you make one of these men the absolute owner of the other ninety-nine, or the absolute owner of the * * * island will make no difference either to him or them.

To remedy the evil thus illustrated by George, he urged that the annual value of the earth itself be collected, as revenue, for public use.

This is the remedy which, without any doubt, will finally be applied. What I propose in the meantime is to take the power from the monopoly which has grown and oppressed mankind, as George predicted.

Mr. Speaker, let me emphasize again the fact that while monopoly prevails, better skill, training, and the use of machinery merely make possible greater injustice in the distribution of wealth.

If, for example, 5 years ago an industry, by the labor of 100,000 men working 8 hours per day, was producing all of the shoes needed each year by the people of America, and now, by the labor of 75,000 men working the same number of hours per day, using improved machinery, can produce the same number of shoes, many employers have just taken it for granted that the value of the 25,000 men's time saved rightfully belongs to them. That is not, however, either morally or logically right. The employer should have, of course, the amount of interest paid on the cost of the machinery; and if he shall have become more industrious, enterprising, and efficient, he should have an increase in the wages of management, but such amounts could be paid without greatly reducing the amount of money representing the 25,000 men's working time saved.

REMEDY FOR UNEMPLOYMENT AND UNJUST DISTRIBUTION OF WEALTH

Now, the 25,000 men's time is, of course, one-fourth of the time worked in the first place by the 100,000 men, and that means that if 100,000 men were to work 6 hours per day, or, in other words, three-fourths of the time which they originally worked, they would produce as many shoes as the same 100,000 men produced in the beginning when working 8 hours per day. Since then, in only 6 hours, a man could produce the same number of shoes which before he required 8 hours to produce, his hours of labor should be reduced substantially from 8 to 6 hours per day without reducing his pay. If all of the 100,000 men's working time were likewise reduced to 6 hours per day, then all would continue to be employed making the same number of shoes as they at first produced in 8 hours per day.

The principle of reducing working hours would be the same, of course, whether at the beginning the men worked 7 hours, 6 hours, or any other number of hours per day, and then later produced the same amount of goods in time less by one-fourth, one-fifth, or other amount than was used to do the work at first. If, for example, a man originally did the work in 6 hours and later did the same work in three-fourths of that time, then his working day should be reduced practically one-quarter, or, in other words, should then be 4½ hours instead of 6 hours. It is very important to remember also that because they are producing the same results, the same number of shoes in the shorter working day, the pay of the workers should not be reduced.

If in every industry the working hours were continually reduced in proportion to the reduction in time necessary to do the work, everyone so desiring would continue at work. In short, the proper application of this principle would abolish unemployment.

It is clear, of course, that, with justice, only the National Government could order the reduction of the hours of labor in general. If the States were trusted to do it, we should find one State reducing the hours of labor as justice requires and other States refusing to do so. Then the manufacturer employing labor in the State where hours might have been reduced could not sell his goods in competition with manufacturers employing workers at less cost in States where the hours of labor might not have been reduced.

I have long urged that Congress be given authority to pass laws reducing the hours of labor. I proposed an amendment to the United States Constitution in the following language:

To promote the general welfare, the Congress shall have the power to reduce the number of hours of service per day and days per week for which contracts of employment may be lawfully made.

Let me respectfully and earnestly urge the Judiciary Committee to report favorably in regard to this proposed amendment to the Constitution.

Under the authority proposed in the language which I have quoted, Congress could establish what might be called the Federal Industrial Court. Then, because in fewer hours per day than was before needed, workmen were producing the same amount of goods, proper application could be made to such Industrial Court for a reduction in the hours of labor. If in a certain industry, for example, the court should find labor to be producing commodities in one-fifth less time than was before required, it would order a reduction of substantially one-fifth in the hours of labor. Similar action in regard to the hours of labor in every industry would soon put an end to unavoidable unemployment.

APPLICATION OF PROPOSED REMEDY FOR UNEMPLOYMENT WOULD MAKE WAGE LAW UNNECESSARY

In recent years we have heard a great deal about a minimum-wage law, but with unemployment abolished and everyone able to find a job when desired there would be no wage question, for no one would work or need to work for less than fair wages. With unemployment abolished and employers looking for workmen, if one employer would not pay him fair wages, the worker could go to another employer who would do so.

MONOPOLY IS CAUSE OF UNJUST DISTRIBUTION OF WEALTH

As already stated, the fundamental cause of the unjust distribution of wealth and of unemployment is the permitting of those controlling the agencies of production to take for their own use the benefits and values resulting from the increase in the producing power of workmen. If a few men are allowed to control the source of all wealth—that is, the earth or the parts of the earth necessary for use by our people—then it will be possible for them to compel everyone living in our country to work as long and for as little pay as may be offered. More men will be thrown into the army of unemployed as fewer men can be forced to do the same work. This enables the few to take for themselves the bounties of nature which rightfully belong to all.

If the law were to require, in all industries, the reduction of the hours of labor in proportion to the lessening of time needed to produce goods, then everybody would be employed and there could be no industrial depression. If everyone were employed or could be employed if so desired, then no one could be forced to work for less than fair wages. The fact that a man could go elsewhere and procure fair compensation for his services would compel his employer to pay him fairly. This would put an end to the dreaded evil, unemployment. With everyone employed and able to buy, the demand for goods would soon equal the supply. Not only would the employee class get justice but employers would benefit immeasurably from an assured market for their goods. Poverty would vanish and men would be freed from an economic slavery which is even more cruel and oppressive than was chattel slavery. [Applause.]

Will the principle, I have urged, become law? My hope is unbounded, but for answer let me again quote from George as follows:

The truth that I have tried to make clear will not find easy acceptance. If that could be it would have been accepted long ago. If that could be, it would never have been obscured. But it will find friends—those who will toil for it; suffer for it; if need be, die for it. This is the power of truth.

But he says also, however, that—

> For those who recognize justice and would stand for her, success is not the only thing. Success! Why, falsehood has often that to give; and injustice has often that to give. Must not truth and justice have something to give that is their own by proper right—theirs in essence and not by accident? That they have, and that here and now, everyone who has felt their exaltation knows.

Let me hint my own feeling in the matter by repeating a few lines written by me when a young fellow of 23 just out of school. These are the lines:

Poetic lore has often told
Of Nature's blessings, manifold;
And humbler prose, perhaps in mirth,
Proclaims men equal on this earth.

If this be true, why do we see
The wretches men oft seem to be;
Why see the poor forsaken waif
Searching in vain for shelter safe?

One child, of God, first sees the light,
Surrounded by gold and linen white;
Another, Nature's canopy sees,
The Earth his cradle, e'en that not his.

With dirge and funeral rites they lay
The miser in his downy grave;
But yonder poor old tott'ring serf
Can hardly reach kind Nature's berth.

How can we, suff'ring then, behold
God's blessings ruled by weight of gold,
His word construed by greedy wealth,
His off'rings filched with sneaking stealth?

Courage, then, ye men, yet strong,
Gird up your loins, go join the throng,
Battle for Freedom, long sung by the Muse,
Leave not a foeman, heed no flag of truce.

And when the din of battle's o'er,
And selfish Greed shall reign no more,
We'll hasten forth, proclaiming then,
Peace on Earth, good will toward men.

[Applause.]

Yes; often seems the Prince of Light overwhelmed by the Powers of Darkness. So it seems, but finally we shall know that it only seems. To noble minds and hearts of courage Duty's call is loud and clear. Doubt not at all Right's final triumph. The cause of justice will prevail. Tyranny must vanish to the limbo of forgotten things. No longer will hardship plague mankind when we shall take courage and strike from men the chains of injustice.

Released, then, from the power of the oppressor, no more the victim of fear and free from want and the dread of want, men will joyously obey their noblest and best impulses. In their spirit of freedom and with gladness men will embrace the inspiring principles of justice and eagerly devote their hearts and minds to expressing the harmony of life. Then from the earth will vanish the meanness, the envy, the jealousy, and hatred which now blight our harassed civilization.

Along the highway of life, with songs of joy pealing from their hearts and the spirit of justice shining from their eyes, will march the sons of men in the glorious cause of brotherhood. Men will be free men and the grandeur of creation will be manifest throughout the land. [Applause.]

The SPEAKER pro tempore (Mr. O'MALLEY). Under the special order of the House, the gentleman from New York [Mr. CELLER] is recognized for 10 minutes.

Mr. CELLER. Mr. Speaker, I am going to speak briefly this morning on the subject of the Federal Register. You have received in the last few days two copies of the Federal Register. I take it and I say it is regrettable that many Members do not know what the Federal Register is. I shall undertake to explain it to give the reasons why we have been anxious to publish it.

The Federal Register is a daily compilation of all the administrative laws—a daily record of all Executive orders and all rules and regulations issued by the President and all departmental and bureau chiefs. There is also provision for the codification of all past Executive orders and rules and regulations. The daily Register will appear upon your desks five times a week. It will be published Saturdays, Tuesdays, Wednesdays, Thursdays, and Fridays. No rule or regulation can be legally effective unless published therein. As you read the Federal Register you will be apprised, and the whole Nation will be apprised, of what the various bureaus and departments are doing with reference to the issuance of the rules and regulations, all of which have the force and effect of law.

We pass daily in this Chamber statute after statute. They are classified and compiled as statutes, and you can find them readily in the Clerk's office, in all law libraries, in most law offices, in all public offices.

But try and find the rules and regulations that have been issued, which still have the force and effect of law, for the last 50 years. Unfortunately you cannot find them. The Federal Register is supposed to and will remedy that defect.

When you take into consideration that the heads of bureaus have the right to issue these regulations, provide therein dire penalties, including fine and imprisonment—and you further take into account the fact that the rules and regulations cannot often be found, I say the situation is barbarous, and it is for the purpose of removing this barbarous defect that the Judiciary Committee reported out my Federal Register bill, which has passed the House and the Senate and been signed by the President.

Numerous organizations—the American Bar Association, the American Medical Association, and scores of associations equally important—have been in favor of this Federal Register. Now, there are some, particularly the distinguished gentleman from Missouri [Mr. COCHRAN] and the gentleman from Indiana [Mr. LUDLOW], who think it is too expensive and ought not to be issued.

I cannot conceive that these gentlemen would want to punish citizens for violation of rules they are ignorant of and cannot, even by due diligence, discover. Bentham said:

> We hear of tyrants, and those cruel ones; but whatever we may have felt, we have never heard of any tyrant in such sort cruel as to punish men for disobedience to laws or orders which he had kept them from the knowledge of.

When you perceive that, for example, in the National Recovery Administration, which has gone to limbo, there were 2,998 administrative orders issued, scattered among 5,991 press releases, involving 10,000 pages, and when you further contemplate that you often did not know where they were or what they were, involving the rights, properties, and liberties of the people of the Nation, indeed it was time to call a halt. The gentleman from Missouri [Mr. COCHRAN] said that the N. R. A. has passed. There is more than the N. R. A. There are a thousand and one bureaus doing the self-same thing that the N. R. A. had been doing. There are, for example, the Executive orders of the President. Try to find the Executive orders by President Coolidge or President Harding or President Hoover, even. They were frequently issued in single sheets of paper, in single pamphlets, sometimes they appear as telegrams, and they are supposed to be filed in the State Department, but try to find them. There is no compilation, no index, a hopeless jumble.

I herewith give you the number of Executive orders and proclamations issued by the various Presidents from Lincoln down to Roosevelt:

Executive orders issued by the various Presidents

	Executive orders	Proclamations
Franklin D. Roosevelt	1,469	121
Hoover	1,004	168
Coolidge	1,248	201
Harding	484	80
Wilson	1,770	361
Taft	699	365
Theodore Roosevelt	111	407
McKinley	50	60
Cleveland	[1]68	53
Harrison	3	66
Cleveland	[2]5	22
Arthur	3	17
Garfield	None	None
Hayes	None	15
Grant	13	55
Johnson	5	51
Lincoln	2	49

[1] Second administration.
[2] First administration.

You will note Lincoln issued two Executive orders, and Roosevelt during the time he has been in office issued already over 1,469 orders. Garfield issued no Executive orders; Hoover issued 1,004; Grant issued 13; Coolidge 1,248.

We are told by a committee of the American Bar Association:

The practice of filing Executive orders with the Department of State is not uniformly or regularly followed, and the totals are really greater than above indicated. Some orders are retained or buried in the files of the Government departments, some are confidential and are not published, and the practice as to printing and publication of orders is not uniform. Some orders are made known and available rather promptly after their approval; the publication of others may be delayed a month or more, with consequent confusion in numbering. The comparatively large number of recent orders which incorporate provisions purporting to impose criminal penalties by way of fine and imprisonment for violation is without numerical precedent in the history of the Government.

The association then recommended regular publication of these orders.

I commend to the House the very thoughtful letter which I have received from our colleague from Virginia [Mr. WOODRUM] under date of February 20, 1936.

MY DEAR MR. CELLER: I am advised that you will have a hearing on tomorrow, Friday, on the bill introduced by our colleague [Mr. COCHRAN] to repeal the Federal Register Act. I regret very much that my absence from the city will prevent my personal attendance at your hearing.

Without going into a lot of detail, I will say that the Appropriations Committee of the House (both the deficiency subcommittee and the Committee on Independent Offices, each of which I am a member), has gone into the matter most carefully with reference to the establishment of the Federal Register. In my judgment, there is a very definite and positive need for this publication and for the compilation for which the act provides.

It seems to me that the set-up is modest and as economical as possible under the circumstances. The cost of printing will, of course, be by far the major item. In my judgment as a Member of the House, it would be a very serious mistake to interfere with the organization which has been set up and which is now busily engaged in carrying out the mandate of Congress.

With best wishes, I am,

Yours very truly,

CLIFTON A. WOODRUM.

We have made an appropriation thus far for the publishing of the Federal Register, for a period of 4 months, of $100,000. There is involved an employment of but 15 persons. I am in reecipt of a very interesting letter from Mr. B. R. Kennedy, Director of the Division of the Federal Register, which I herewith set forth:

THE NATIONAL ARCHIVES,
Washington, D. C., March 12, 1936.

Hon. EMANUEL CELLER,
House Office Building, Washington, D. C.

MY DEAR MR. CELLER: Replying to your letter of March 11 enclosing the comments of Mr. SNYDER of Pennsylvania, on the appropriation for printing the Federal Register, it seems to me that Mr. SNYDER'S statement that $75,000 was cut out of the appropriation for the present fiscal year in order to eliminate the publication of the past accumulations of regulations is erroneous. My understanding, when I appeared before the Appropriations Committee, was that the only reason for cutting the amount asked for from $295,000 to $100,000 was that the time involved was only 4 months, and on an estimate of $300,000 a year for printing the Register, $100,000 seemed the proper amount for the 4-month period. Moreover, the Federal Register Act did not contemplate the printing of the supplemental edition during this fiscal year. It has first to be authorized by the President.

As to the comment that some of the committee feel that this publication may not be as valuable as its sponsors thought it would be, there is nothing I can say which will add to the statements made by Judge Stevens, Mr. Dickinson, Professor Griswold, Congressman Shanley, Congressman Driscoll, Judge Townsend, and members of your subcommittee in the hearings before your subcommittee of the Judiciary Committee. The necessity and value of the Federal Register were so thoroughly explained by them and the duty of the Government to publish such a paper so carefully outlined that it would be impossible to enlarge upon them.

If there is any further information at my disposal which you would like, please let me know.

With kindest personal regards, I am,

Sincerely yours,

B. R. KENNEDY, *Director.*

I often made search for certain rules, and frequently was told, "They are out of print." At other times they were lost.

We had an anomalous situation with reference to the oil code. A man was indicted and convicted in the lower courts. The case came to the Supreme Court of the United States, when, lo and behold, it was discovered before the argument in that august body that the particular provision of which the defendant was accused of violating never existed, and the Government was put in the awkward and embarrassing position before the Supreme Court of being compelled to ask for the dismissal or withdrawal of the suit, because the alleged offense was not an offense at all. Apparently neither the N. R. A. officials nor the Department of Justice knew of the exact wording of that code. The Register would have saved the Government expense and embarrassment and the citizen his trouble and chagrin at being classed as a criminal. At the time this very significant remark was made by Chief Justice Hughes, "Why is there not a repository of the Executive orders and the rules and regulations issued by the various departments?" The Federal Register, I say to the gentleman from Missouri, answers the query put by Chief Justice Hughes.

In an argument before the Supreme Court last week on the Securities and Exchange Commission Act the claim was made by the defendant contesting the act's validity and constitutionality that the rules and regulations of the Securities and Exchange Commission under the basic statute must be published, and that there was no publication of the rules and regulations of the Securities and Exchange Commission, because they were simply issued by a clerk or the secretary of the Commission and then given to the newspapers. Very properly they said that was not publication, and I think the Supreme Court will have something to say as to whether or not that is publication; but the minute such rules are filed in the Federal Register, where he who runs may read, that will be publication beyond question. Brother COCHRAN would run the risk of having the law declared invalid for want of publication.

Away back in 1890 the same situation confronted England. There was an avalanche of administrative law, which, as here, has the same effect as statute law. Back in those dark days Englishmen argued as we are arguing, but they saw the light—long before we did—and England started to publish its Gazette, which is exactly what we are publishing as a Federal Register. Every Latin country has wrestled with this problem, and each country has its gazette or register. All of the colonies of England have it.

Canada has had one for years, and I should say that the opposition is almost verging on false economy, as far as the gentleman from Missouri [Mr. COCHRAN] is concerned, and particularly those who will in the future try to strike at the Federal Register by cutting off appropriations. We have appropriated $100,000 for a 4-month period. I am willing to try the thing out. We are trying it out. If it does not work, I shall be the first to come here and ask the withdrawal of the publication of the Register, but I do not think that will be the situation at all. For the interest of the gentleman from Missouri—and only for his benefit and no other, and I say this very respectfully—we of the Judiciary Committee conducted a second hearing, something rather unusual. We had the chief justice of the Court of Appeals of the District of Columbia, Judge Harold M. Stephens, before our committee. He is an expert, probably the most skilled one on the subject of administrative law. Almost all rules and regulations of all departments sooner or later come for adjudication in his court in the District of Columbia. He said:

It is idle to attempt to know what the law is today without knowing what the regulations are or the Executive orders, and I, as a lawyer and a judge, say that we have no dependable source except the Federal Register for obtaining those laws and those rules and regulations at the present time.

Judge Stephens had previously been the Assistant Attorney General prosecuting the alleged oil-code violations. Among other things, he said:

Now, my friend, Congressman COCHRAN, says that all I would have had to do in the Supreme Court, when the Chief Justice and the other Justices asked me why I had not found this order, was to go and ask a question and go and get it. We had tried for weeks to get it. That is a spectacular illustration, nevertheless, of the underlying principle that I am here to speak about, and that is, that no such situation should be permitted by law to exist.

Furthermore, the present Assistant Attorney General, John Dickinson, formerly the Assistant Secretary of Commerce, appeared before our committee and listened to the arguments of the gentleman from Missouri, who also appeared. The latter stated that the Register was unnecessary because the constituent could get the information desired from his Congressman or from the trade associations that have representatives in Washington. In reply Assistant Attorney General Dickinson said, as follows:

Now, it is perfectly true that, by belonging to some of the associations to which Mr. COCHRAN referred, one could get a good deal of the information that he has in mind. However, there are a good many business people in this country that do not belong to those associations. There are a great many business people that are not large enough to maintain the contacts in their own organizations that is necessary to supply them with this essential information as to the law. I do not feel that an individual who is not in position to maintain those contacts ought to be any the less able to find the law applicable to him, than the individual who does belong to organizations of that kind.

I am thinking about the lawyer out through the country, the lawyer in the small country town who has a case that involves tracing down of the law frequently through those rules and regulations. I think they ought to be available in the country courthouses throughout this country, compiled and currently issued, these rules and regulations of the Federal Government, in the same way that there are available sets of United States Statutes at Large, and sets of the Supreme Court and Federal Reporters.

I am thinking about the man who only occasionally comes into contact with these rules and regulations, the lawyer who only occasionally comes into contact with them, but to whom they are very vital when he does need them.

Mr. COCHRAN referred to the compilations that are issued by the different bureaus themselves. That is simply another instance of the feeling that there is a responsibility upon the Government to make this material available to the people who are bound by it. It seems to me that that is an argument in favor of the Register rather than an argument against it, because the publication now is necessary, as is illustrated by the compilations that are issued by the various bureaus and departments.

There also appeared before our committee Prof. Edwin N. Griswold, of Harvard University. He had been 5 years with our Department of Justice. He had written a very illuminating article for the Harvard Law Review, entitled "Government in Ignorance of the Law", on the need for the publication of all rules and regulations. It was that article that inspired me to introduce the bill. Professor Griswold testified as follows:

As a matter of fact, as I recall it, I think it went back to a day in 1930, when I was assigned to prepare a draft of an opinion of the Attorney General in response to an inquiry from the Secretary of the Treasury about two poor school teachers out in Illinois, who had endorsed some Liberty bonds in blank to send them in for redemption, and after they had been endorsed in blank they were stolen; and the question was whether they were entitled to have them replaced or whether their endorsement in blank deprived them of their property after they were stolen.

So I found that the law said that the Secretary may restore stolen bonds, under regulations to be prescribed by him, and, naturally, I looked for the regulations. I hunted high and low through the Department of Justice. There simply was not a trace of any such regulations. I called up the Treasury Department and got hold of the Bond Division, and they said, "Why, yes; there is such a regulation, but it has been out of print for years. If you will come over here, we will be glad to let you see it." I went over and saw that copy of it, the relevant part, and I said, "Is this the latest thing?" And they said, "No; there have been three or four amendments. We have them in the drawer here." They never had been printed and that was the thing that controlled the question whether the ladies out in Illinois were entitled to $2,000, which were their life savings.

Professor Griswold continued:

The difficulty with the situation, or with the remedy which Mr. COCHRAN suggests, seems to me is the fact that for some of the regulations it is not so hard to find them as it is awfully hard to be sure you have got the latest thing. The dangers are from the regulations you do not know about, and as the situation now stands it is almost hopeless to find out whether that is the regulation on any certain particular matter.

Since we do have the Federal Register, we can look at one place, the index, and find out if that is the regulation on this point. * * *

* * * I think this is a situation where it is very easy, in the name of economy, to do something that will turn out to be very expensive, and I think particularly about just one case, which could be one case out of many, in which I had charge of preparing the Government's brief before the Supreme Court of the United States. The question involved some insurance in favor of an enlisted man in the Navy. He had enlisted at one place and had been discharged, and reenlisted again within 3 months after that, and the law provides that if you reenlist within 3 months, your term is continuous, because it gives a man a sort of chance to get a vacation between enlistments. When he reenlisted, he did not instruct the pay clerk to deduct the amounts necessary to pay the premiums on his insurance, and those amounts had not been deducted, and he had always taken full pay thereafter, and knew that he got full pay. He died, and then his heirs claimed the insurance.

Now, it looked very bad, because his enlistment wasn't continuous. It looked bad. I defended the case, and the statute said something about a continuous enlistment and the instructions to withhold the pay should continue, "except as otherwise provided by regulation."

Well, that case had been tried through the lower courts without anybody ever finding any regulation which otherwise provided, and had gotten before the Supreme Court, and I took 2 days of the Government's time and went through a great mass of regulations, and finally, much to my surprise, found the specific regulation that said that if you reenlist in a different place, that you must make a new declaration, must take out your insurance premiums. That regulation saved the Government of the United States $10,000. When you multiply that by a few, you have covered all the expenses of printing the Federal Register, and very likely a great deal more.

I have great respect and regard for the gentleman from Missouri. I commend his zeal for decreased expenditures. But in this matter his zeal is misplaced.

I will say that we on the Judiciary Committee are trying also to keep the expense down. I shall report to the House shortly a bill to codify instead of compile all past rules and regulations. The codification would be a smaller and more economical publication than compilation, because it would eliminate a great deal of dead material.

The gentleman from Missouri said that there was no demand for the Register. That is answered by the testimony of Mr. Kennedy, which, in part, is as follows:

In order to indicate the interest shown by the general public in the Federal Register and the necessity for such a publication, it is only necessary to consider several outstanding facts: First, the long-felt need for this publication was emphatically shown by the attitude of the Chief Justice, when he inquired in the "hot oil" cases whether there was some one place in the Government where the public could find all Executive orders, proclamations, codes, rules, and regulations of general applicability and legal effect, particularly those embodying a penalty, which had never been promulgated and of which the public was unaware. This led to the establishment of a committee representing most of the Government agencies, which eventually drew up an outline for the Federal Register Act.

The number of copies of the daily issue of the Register which have been requested by the various Government agencies as necessary for their use approximates 2,200. There have been about 500 requests from depository libraries for copies of the Register and as many more are expected. There will be needed for the use of the Senate and the House of Representatives and other officials at the Capitol about 1,200 copies. There have been about 200 telephone inquiries at the office of the Division of the Federal Register as to date of issue, cost, and so forth. More than 50 individuals and corporations, some of national prominence, have made inquiry or asked to be placed on the mailing list of this publication. One hundred and twenty-five copies go to the Library of Congress for exchange with foreign countries.

The State Department, for many years, has had from 600 to 1,000 copies of each Executive order printed, and in a large number of cases this entire supply has been exhausted in a short time. The Government Printing Office has received constant requests for Executive orders, rules, and regulations from various departments, many of which it has been unable to furnish because they were never printed.

There are various commercial services, such as Commerce Clearing House, Prentice-Hall, the United States News, and others, which have an aggregate subscription list of more than 300,000 and which furnish their subscribers, among other things, with information as to Executive orders, rules, regulations, codes, and so forth. None of them, however, furnishes a complete publication such as the Federal Register will do.

The normal procedure for requesting copies of regulations, etc., is to address the agency issuing them, and every such agency receives numerous requests for these regulations, which they fill if possible. The fact that many of them do not print or publish their regulations is one of the reasons for the existence of the Federal Register. The office of the Superintendent of Documents, Government Printing Office, continually has numerous calls for Government regulations of all kinds.

Mr. COCHRAN. Mr. Speaker, the gentleman from New York has mentioned my name on several occasions during his address, and in fairness I ask unanimous consent that I may have 5 minutes to reply to the gentleman from New York.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. CELLER. Reserving the right to object, I should like to have 5 minutes to reply to the gentleman from Missouri.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] has 20 minutes under the order of the House.

Mr. TREADWAY. Mr. Speaker, I should be glad to accommodate the gentleman from Missouri by delaying my remarks for 5 minutes.

Mr. CELLER. Mr. Speaker, I reserve the right to object unless I have 5 minutes to reply to the gentleman from Missouri. Will the gentleman let me have 3 minutes?

Mr. COCHRAN. No.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for 5 minutes. Is there objection?

Mr. CELLER. I reserve the right to object unless I have 2 minutes to reply.

The SPEAKER. The question is, Does the gentleman object? No conditions can attach to the request.

Mr. CELLER. Will the gentleman yield to me for 2 minutes?

Mr. COCHRAN. No; I will not.

Mr. CELLER. Then, Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY], under the special order of the House, is recognized for 20 minutes.

FEDERAL COMMUNICATIONS COMMISSION

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a brief table prepared from information furnished through the Department of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, as I have two important subjects to discuss, I request that I be not interrupted.

Mr. Speaker, great indignation has been expressed throughout the country at the procedure of a certain committee which, without authority of law, has secured access to millions of private wire messages. Practically the entire blame for this situation has been laid at the door of a certain committee. I think the shoe is on the wrong foot. If such a committee desires to exploit itself to gratify its curiosity, I am not so much concerned about it as I am at the failure of officials to respect their oaths of office.

The Federal Communications Commission came into being by act of Congress approved June 19, 1934, now known as Public, No. 416, Seventy-third Congress. As was to be expected, the Commission has set up a long list of employees, various divisions, always to aggrandize their own jobs, and to provide patronage positions for deserving Democrats. It happens that this organization has a peculiar feature about it, that no end of employees can be given positions outside the civil service, but in addition to that they can secure employees through the civil service. So they can pad the payroll account of this Commission either way, through the civil service or through Democratic patronage. I do not know whether that provision applies to other commissions, but it does apply to the one to which I am referring.

The first duty of the Commission itself should have been to acquaint itself with its own authority and to know the contents of the law under which it is functioning. The ignorance which its members have shown is culpable and deserves the severest condemnation, even to the extent of removal from office. I advocate the latter procedure. I doubt if it will be taken, but I advocate removal from office of the members of this Commission.

Here we have another example of the Government meddling in business. I do not hesitate to say that there is absolutely no authority in law for compelling telegraph companies to break confidence with their customers and provide any committee with their entire file of messages. The Federal Communications Commission should have known the contents of section 220 of the act, which permits investigation and examination only for the purpose of checking accounts. I have the act before me, and for the information of the House I want to call attention, on page 16, to the authority for inspection which is granted to the Commission. Paragraph (c) of section 220 reads as follows:

(c) The Commission shall at all times have access to and the right of inspection and examination of all accounts, records, and memoranda, including all documents, papers, and correspondence now or hereafter existing, and kept or required to be kept by such carriers, and the provisions of this section respecting the preservation and destruction of books, papers, and documents shall apply thereto. The burden of proof to justify every accounting entry questioned by the Commission shall be on the person making, authorizing, or requiring such entry and the Commission may suspend a charge or credit pending submission of proof by such person. Any provision of law prohibiting the disclosure of the contents of messages or communications shall not be deemed to prohibit the disclosure of any matter in accordance with the provisions of this section.

This entire paragraph applies purely to the authority for inspection for accounting purposes and nothing else.

I also find that paragraph (f) reads as follows:

(f) No member, officer, or employee of the Commission shall divulge any fact or information which may come to his knowledge during the course of examination of books or other accounts, as hereinbefore provided, except insofar as he may be directed by the Commission or by a court.

Now, that ties in every member of the Commission. Authority to inspect these telegrams and turn them over to a certain committee could not have been given by anybody but the entire Commission unless they violated section (f) of the statute to which I am referring. Bear that in mind.

Except insofar as he may be directed by the Commission or by a court.

Certainly, it is a long stretch of imagination to consider a committee as a court.

I want now to refer also to another paragraph of the law, section 605, which reads as follows:

UNAUTHORIZED PUBLICATION OF COMMUNICATIONS

SEC. 605. No person receiving or assisting in receiving, or transmitting, or assisting in transmitting, any interstate or foreign communication by wire or radio shall divulge or publish the existence, contents, substance, purport, effect, or meaning thereof, except through authorized channels of transmission or reception, to any person other than the addressee, his agent, or attorney, or to a person employed or authorized to forward such communication to its destination, or to proper accounting or distributing officers of the various communicating centers over which the communication may be passed, or to the master of a ship under whom he is serving, or in response to a subpena issued by a court of competent jurisdiction, or on demand of other lawful authority; and no person not being authorized by the sender shall intercept any communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person; and no person not being entitled thereto shall receive or assist in receiving any interstate or foreign communication by wire or radio and use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto; and no person having received such intercepted communication or having become acquainted with the contents, substance, purport, effect, or meaning of the same or any part thereof, knowing that such information was so obtained, shall divulge or publish the existence, contents, substance, purport, effect, or meaning of the same or any part thereof, or use the same or any information therein contained for his own benefit or for the benefit of another not entitled thereto: *Provided*, That this section shall not apply to the receiving, divulging, publishing, or utilizing the contents of any radio communication broadcast, or transmitted by amateurs or others for the use of the general public, or relating to ships in distress.

What could be more positive than the denial of authority to divulge the contents of any telegram? Even if shown to be "on demand of lawful authority", such permission could only be construed as for lawful purposes.

I may say further that this is not the first time this question has come up. The Securities and Exchange Commission nearly a year ago—I think they have been in existence about a year—asked for the contents of certain telegrams and the then General Counsel of the Federal Communications Commission, Mr. Spearman, denied it. It is a matter of record that the request for those telegrams was denied.

Further than that, Mr. J. Edgar Hoover, in his official position in the Department of Justice, later on also asked to be given copies of certain telegrams, and his request was likewise denied. More recently this permission to which I have referred was given; and not only did the entire Commission go on record in favor of showing those telegrams, but the telegrams were sorted out by the officials of the Commission into two piles, one of which they thought would be of interest to a certain committee, and the other they thought would not be of any use to them, and they cast those to one side. In other words, a certain committee was being waited upon by the Commission or some agent of theirs—a patronage appointee, I suppose—looking around for this information. I think the culpability of the Commission is so gross, and they have gone so far beyond their authority under the law, that they should be summarily removed from office. [Applause.] I demand such action on the part of the administration, but I do not think the demand will be recognized by the parties in charge. I do feel, however, that the business interests of this country have some rights, even under this administration, to protection in their legitimate business; and certainly no man, no Member of this House, or of any other body, would say that the entire file of telegrams sent by the business concerns of this country should be open to any committee whatsoever.

I think that is the story of the present situation, and it is one that ought to be corrected and regulated. If this sort of thing is to be continued, and no man or business concern is to have any protection from the inquisitiveness of certain people, what will happen? It does not appear to me to be a very satisfactory situation. I leave that subject there.

RECIPROCAL-TRADE TREATIES

I want now to congratulate the State Department on having received the resignation of Professor Grady, who has been more responsible, I think, for the phraseology of the trade agreements than any other one man, although, of course, his superior is the great internationalist, Dr. Sayre, and Dr. Sayre's superior officer is our old colleague and intimate friend, Cordell Hull.

I was interested, and quite amused as well, Sunday morning, to read in the press the resignation of Dr. Grady, the internationalist from California; but the principal feature of his resignation that struck me as so extremely interesting was the fact that it will not take effect until July 1, in order that he may remain in the East rather than return to Berkeley, Calif., during the period that Mrs. Grady is a delegate at large from California to the national Democratic convention to be held in Philadelphia. Dr. Grady, it will be represented, has acted in the most nonpartisan, patriotic manner in trying to ruin the domestic trade of this country and bring in goods from foreign lands—entirely impartial and nonpartisan, I assume. It did look quite queer to me, however, that he was anxious to stay here until he was sure that his chief, Mr. Roosevelt, had been renominated and that part of the effort to secure his nomination should come from Mrs. Grady.

What is the result of the trade agreements constantly being brought to the surface? Why, it is the tearing down of our industries. I was amused a few moments ago to see over in the old House Office Building lobby pictures showing new land that is going to be cultivated by the W. P. A., the P. W. A., or some other alphabetical agency, in order to put fertility in the soil and develop new land. What are you going to do with the new land when, through the reduction of tariff rates, you open the markets of this country to all foreign produce?

How can it be justly said that Dr. Grady knows better what is good for the agriculturalists of this country than they do themselves or the Members of this Congress? He has shown great conceit in his own opinion of himself, but it so happens that all of us do not agree with him.

The result of these reciprocal-trade treaties is shown in the accompanying table which I have been given permission to insert in the RECORD and which appears at this point.

Recorded exports and imports

[Source: Department of Commerce]

Year	Goods sold to the world, net exports	Silver bought from the world	Gold bought from the world	Total
1929	$841,000,000	19,000,000	[1] 120,000,000	740,000,000
1930	782,000,000	11,000,000	[1] 278,000,000	515,000,000
1931	334,000,000	[1] 2,000,000	176,000,000	508,000,000
1932	289,000,000	[1] 6,000,000	[1] 11,000,000	272,000,000
1933	225,000,000	[1] 41,000,000	173,000,000	357,000,000
1934	478,000,000	[1] 86,000,000	[1] 1,217,000,000	[1] 825,000,000
1935	234,000,000	[1] 336,000,000	[1] 1,739,000,000	[1] 1,841,000,000

[1] Net imports.

We exported from this country in 1929 goods to the value of $841,000,000 in excess of our imports. There has been a continuing decrease, except for one year, from then until 1935, at which time our net exports had fallen to $234,000,000. The balance of trade was the other way by some $19,000,000. Last year we bought $336,000,000 worth of silver, and in the corresponding time last year we bought $1,739,000,000 worth of gold, which is now stacked up in this country. There is no use for it, there is no purpose whatsoever in having it. This results in a total balance of trade against us last year of $1,841,000,000. The way that was brought about is that we have reduced our own markets in connection with exports and we have opened our markets to imports from foreign countries. We have paid for the extra balance in imports of gold and silver, not in our own commodities but in stocks, bonds, and other securities. The foreigners have taken that money and put it into our securities and their own securities on the markets of Wall Street and elsewhere. That is the distinct, positive, and proved result of your reciprocal-trade agreements. The sooner that law is repealed the better for the interests of this country, whether they be agricultural or what they may be.

Mr. Speaker, there is no way whereby you can force foreign countries, getting our gold and silver in payment for their produce brought to this country, to buy our products in accordance with the manner the reciprocal treaties call for. Theoretically the scheme might be a good one, but it is like so many other will-o'-the-wisps, practically it is ruination to agricultural and mercantile pursuits of this country.

I received a telegram yesterday from a mill in my State stating that it was obliged to consolidate with a mill in another State because they have not business enough to keep them going. They have to move out of the State of Massachusetts because there is not enough to keep them going, owing to the tremendous amount of imports coming into this country. So we find that these reciprocal treaties bring about no benefit whatsoever to the manufacturers or orders for our goods.

We are getting ready to spend $500,000,000 annually to curtail surplus crops. Yet these same surplus crops will be increased in direct proportion to lowered tariff rates on all forms of agricultural products. Think of it! You are increasing the surplus crops directly as you receive imports from foreign countries, particularly from Canada, of the products that they grow. It is a shame. We destroy our American industries by tariff reductions in giving foreigners increased purchasing power, and they do not use this increased purchasing power to buy our goods.

Mr. Speaker, there is the story. The statements I am making plainly prove two things: First, that further tariff reductions are detrimental to the United States; and, second, it is a false assumption to say that foreigners will buy our goods if we give them increased purchasing power, whether by tariff reductions or gold and silver purchases. The records show they do not buy our goods. The tables show that the foreigners do not use their increased receipts to purchase our goods, but rather to increase their own dividends. That is what they are doing. If they took the money that we are providing them with to balance accounts, it would not be long before their $13,000,000,000 of indebtedness on account of the war could be paid off. That is not what they want to use this money for. I do not know why that would not be a fair

transaction. They have shipped their goods to this country, and all we get out of it is the opportunity to pay for the goods and they get the benefit of the exchange. I do not see why one account could not balance the other. I do not think there is any explanation why we should be paying out one and a half billion dollars a year—$3,000,000,000 in 2 years—for foreign-made goods and gold and silver and not force them to credit the balance they owe us from the war.

[Here the gavel fell.]

PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill.

Mr. COCHRAN. Mr. Speaker, it is not my purpose to filibuster against the omnibus bills this afternoon, which involve millions of dollars. There are many meritorious bills that should be passed. I do think the membership of the House should know that we are about to consider these bills. I therefore make the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] Evidently not a sufficient number.

Mr. BANKHEAD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 36]

Adair	Dear	Kerr	Romjue
Andrews, N. Y.	Dempsey	Kleberg	Russell
Ayers	DeRouen	Larrabee	Sabath
Bacon	Ditter	Lee, Okla.	Sanders, La.
Berlin	Doutrich	Lewis, Md.	Schulte
Boland	Duncan	McGroarty	Scrugham
Bolton	Ellenbogen	McLean	Somers, N. Y.
Brennan	Evans	McLeod	Steagall
Brooks	Farley	McSwain	Sweeney
Buckbee	Gasque	Marshall	Taylor, Tenn.
Buckley, N. Y.	Goldsborough	Montague	Terry
Bulwinkle	Gray, Pa.	Montet	Thomas
Carpenter	Green	Moritz	Underwood
Cary	Greenway	Norton	Wadsworth
Casey	Hamlin	Oliver	Wilson, La.
Chapman	Harlan	Perkins	Wilson, Pa.
Claiborne	Higgins, Mass.	Peyser	Wood
Clark, Idaho	Hobbs	Ransley	Woodrum
Cooley	Hoeppel	Reece	Zioncheck
Corning	Jenckes, Ind.	Reilly	
Crowther	Kee	Rich	
Culkin	Kelly	Robsion, Ky.	

The SPEAKER. Three hundred and forty-five Members have answered to their names, a quorum.

On motion of Mr. BANKHEAD, further proceedings under the call were dispensed with.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9863) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1937, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10919) entitled "An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1937, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. MCKELLAR, Mr. HAYDEN, Mr. STEIWER, and Mr. NORBECK to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 3071) entitled "An act providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors", requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. COPELAND, Mr. FLETCHER, and Mr. MCNARY to be the conferees on the part of the Senate.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first omnibus bill on the Private Calendar.

The Clerk called the first omnibus bill on the Private Calendar, H. R. 8236, for the relief of sundry claimants, and for other purposes.

STANLEY A. JERMAN, RECEIVER FOR A. J. PETERS CO., INC.

The Clerk read as follows:

Title I—(H. R. 1366. For the relief of Stanley A. Jerman, receiver for A. J. Peters Co., Inc.)

That the claim of Stanley A. Jerman, receiver for A. J. Peters Co., Inc., for forage delivered by the said A. J. Peters Co. to the Quartermaster Corps, War Department, during the late World War, and the years 1917 to 1919, inclusive, and used by the War Department, for which no payment whatever has ever been made under the following contracts and orders: P. O. 20847, P. O. 21212 to P. O. 21217, both inclusive, P. O. 21219, P. O. 21319, P. O. 21320, P. O. 21469, P. O. 21494, 51, contract dated March 31, 1917, P. O. 2350 to P. O. 2352, both inclusive, P. O. 20260, P. O. 20836 to P. O. 20838, both inclusive, be, and the same is hereby, referred to the United States Court of Claims with jurisdiction to hear and determine the same to judgment, notwithstanding the statute of limitations: *Provided*, That the petition is filed within 6 months from the date of this act.

Mr. COCHRAN. Mr. Speaker, I move to strike out title I.

The SPEAKER. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 3, strike out all of title I.

Mr. COCHRAN. Mr. Speaker, numerous omnibus bills are on the calendar today. The membership should understand that the first two bills are war claims bills. The war ended in 1918, seventeen years ago, but there are claims here that go back to the Civil War.

This first claim has been considered by the War Department, by the Department of Justice, and by the Comptroller General, and they allowed a net balance on the claim of $2,428, which was paid and closed the case.

The claimants were indicted, but this did not preclude their right to go into the Court of Claims if they had desired to do so. They slept on their rights. Three Government agencies have considered this case, and now we are asked to send it to a fourth Government agency, and the claimants want $31,000.

This is all I have to say on this bill, Mr. Speaker, except I would like to call the attention of the House to the fact that in Friday's RECORD, which you will find in the rack, at page 3607, I briefed these claims, and the information that I furnished the Members is not my own entirely but comes from the various departments to my committee. I also have received reports from the Comptroller General in each case that I mention, and he is in possession of whatever records still exist in each of these cases.

I am perfectly willing for the House to consider the claims and expedite them, but I think you should know the facts in reference to each one of them.

There are dozens of meritorious claims in some of the omnibus bills that should be passed today, but sandwiched in between them are bills that amount to large sums; and in this one bill we have up now the total amount involved is $1,288,000, comprised in five different measures. I leave it to the House as to whether it wants to pass the first measure and let a fourth agency of the Government audit a claim when three different agencies have audited the claim and have allowed and paid $2,400.

Mr. THOMASON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I am in sympathy with the good purpose of my friend from Missouri when he says that we ought to stop any of these illegal or fraudulent war claims, but that does not apply to this bill.

I do not know Mr. Stanley A. Jerman, receiver for A. J. Peters Co., Inc., and neither do I know A. J. Peters Co. I never heard of any of them, do not know where they live or know anything about their business, but I do know Heid Bros., of El Paso, Tex., who furnished to A. J. Peters Co. some of this hay that the Army received and whose animals ate this hay, which has never been paid for.

May I say further that if you will look at the report on this bill you will see that this bill unanimously passed the Claims Committee of the House of Representatives in the Seventy-first Congress; it unanimously passed the Claims Committee of this House in the Seventy-second Congress; it

unanimously passed the Claims Committee of this House in the Seventy-third Congress; and now it is here again with a unanimous report.

The only thing in the world that this bill does is to give these parties an opportunity to go to the Court of Claims and have this matter fairly and finally settled. My friend from Missouri said it had been investigated by the War Department and turned down; likewise by the Attorney General; but I hope you will be fair enough, before you vote against this bill, to read the report signed by the Acting Secretary of War himself, the Honorable F. H. Payne. I do not have time to read all the report, but let me read you this much of it:

The vendor upon being notified as to the grade of hay received and advised as to the price at which same would be accepted, usually acceded to the terms offered, and the commodity was purchased by the Government at the price agreed upon as being proper for the quality of this forage.

Let me say in this connection that the only trouble that ever arose about this matter was this: Heid Bros., of El Paso, sold some of this hay to this Peters crowd, and they shipped the hay to Arizona, where there was a big cantonment or a big lot of troops. This hay was sold subject to grades and weight at destination, and those grades and weights were passed upon exclusively by War Department officers, and their statements were accepted absolutely, and these people, whom I know and vouch for in my city, did not have anything more to do with that than one of you.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMASON. I yield.

Mr. PITTENGER. Is this a case of the Government getting hay and then not paying for it?

Mr. THOMASON. The Government got this hay and that part of it still in controversy has not been paid for. I mean they have not paid for the part now in question. It is probably true they paid this $2,000 my friend from Missouri refers to. I know they did if the gentleman from Missouri and the Comptroller General say so, but there is still a large or substantial amount due on this claim.

Let me say this. The Secretary of War says that after suspicion was aroused the records of the Department show that a great quantity of hay was furnished the Government by Peters & Co., and somebody was indicted, and everybody in connection with the matter was acquitted. Here is what the War Department says:

As a result of the investigation conducted, criminal proceedings were brought against the members of this firm for fraud and conspiracy in restraint of trade. At the request of the Attorney General payment of the amount appearing to be due the company was withheld by the War Department, and subsequently a claim against the Government was filed by the said company for the sum of $31,915.70 for the value of the hay alleged to have been furnished.

Now, listen to this before you vote on this proposition:

Upon failure of the United States attorney to get a conviction in any of the cases tried, the criminal action against members of the firm was dismissed on recommendation of the Attorney General, and an investigation was then made to determine the advisability of bringing civil action against the company. The contemplated civil action was abandoned when it was learned that an audit of the accounts indicated there was no amount due the United States.

Now, listen to the excuse that is made on the part of the Government:

Due to the long period which has elapsed since the transaction involved took place, and the fact that many records pertaining to the matter cannot now be located, the Government would be at a great disadvantage were it required to defend itself in a suit at this time.

If the Government is at a disadvantage, how about the people who furnished this hay and never received a cent for it, hay that the Government fed to its horses and mules?

Let us be fair about this matter.

All parties charged with fraud or misrepresentation were promptly acquitted. All this bill does is to give them the right to go before the Court of Claims, where justice can be done. Not one cent of money is appropriated. The Treasury is not out a single cent.

I am sure you will not do an injustice to these citizens and taxpayers since the hay was delivered to the Government and fed to Army horses and mules. Are they not the ones at a disadvantage? Let us give them their day in court. That is all these people ask for. They furnished large quantities of hay, and it is an outrage not to give them their day in court. I repeat I do not know Jerman or A. J. Peters Co., but I do known Heid Bros. They are my friends and constituents. They are honorable men, and I vouch for them. They are entitled to pay for their hay.

Mr. SHORT. Will the gentleman yield?

Mr. THOMASON. I yield.

Mr. SHORT. According to my colleague, many of these claims are deserving. I happened to be a member of the War Claims Committee in the Seventy-first Congress, which considered this bill, and it was reported favorably by unanimous vote. It is a meritorious claim.

Mr. THOMASON. I thank the gentleman. I have never been a member of the War Claims Committee, but I think that these people should have their day in court. The War Department itself says they were acquitted of any wrongdoing. The War Department said they had an audit and found these people innocent. The only excuse the Secretary of War can offer is that they have misplaced some of their papers, and the Government would be at a great advantage. That is not the fault of these good citizens. I plead for justice and fair, square dealing between a great Government and its citizens. All I ask for is a square deal, which these people have not received. Nobody will be hurt by an open, fair hearing before a competent and impartial court.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

Mr. BEITER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BEITER. The amendment offered by the gentleman from Missouri, if the Members desire to sustain the committee——

The SPEAKER. That is not a parliamentary inquiry. The question is on the motion of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The SPEAKER. The Clerk will read the next title.

CLAIMS OF CERTAIN EMPLOYEES

The Clerk read as follows:

Title II—(H. R. 4147. To provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.)

That the Secretary of War is authorized and directed to pay and discharge the claims of certain employees (or their legal representatives of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn., for additional compensation for work performed as employees of such companies in the execution of contracts made by such companies and the United States and for the manufacture of war materials for the use of the War Department or the military forces of the United States. Such payment shall be based upon the principles laid down in the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, and shall be in accordance with the interpretations and the classifications and adjustments made under the direction of the Board in pursuance of such award. In the case of any employees with respect to whom classifications and adjustments have not been made in pursuance of such award and interpretations thereof the Secretary of War shall make the classifications and adjustments necessary for the payment and discharge of claims under this act.

SEC. 2. That no payment under this act shall be made after the expiration of 2 years from its passage unless prior to the expiration of such time a claim therefor is presented to the Secretary of War in such manner as he shall by regulations prescribe.

SEC. 3. That the provisions of the act shall not apply to any employees of such companies with respect to whom the award of the National War Labor Board was carried out, nor shall this act be constructed to prejudice any claims which the employers receiving the benefits thereof may have in respect to contracts

made by the companies and the United States for the manufacture of materials for the use of any department or service of the Government other than the War Department or the military forces of the United States.

SEC. 4. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sum not in excess of $1,200,000, as may be necessary to carry out the provisions of section 1 of the act.

SEC. 5. That no claim under the provisions of this act shall be settled, adjusted, or reviewed under section 236 of the Revised Statutes, as amended, nor shall jurisdiction of any such claim be had except as provided in this act.

Mr. COCHRAN. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. COCHRAN: Mr. COCHRAN moves to strike out title II.

Mr. COCHRAN. Mr. Speaker, this is not a bill to go to the Court of Claims. This is a bill to pay $1,200,000 out of the Treasury—taxpayers' money. It is an old war claim. What I read is not my report, but this is a report of the Comptroller General of the United States, who, under the Budget Act, is a representative of the Congress of the United States and not a representative of the executive branch of the Government:

This bill proposes to pay additional compensation to employees of certain private concerns for work performed in the manufacture of war materials furnished the War Department under contracts during the late World War.

The bill does not cover employees engaged upon work under Navy Department contracts. Does the Congress wish to discriminate between employees engaged upon work under contracts with different departments of the Government?

The War Department did not request and, in fact, was not consulted in connection with the award made by the National War Labor Board in these cases—as was done in the Bethlehem Steel Co. matter; act of March 4, 1925 (43 Stat. 1603), as amended—and what legal or other obligation rests upon the Congress now to authorize expenditures approximating $1,200,000 as gratuities to these employees of private concerns? Would not this be establishing a precedent which will induce the advancement of other similar claims?

The Comptroller also calls attention to the fact that under the provisions of the bill section 5 proposes to establish a dangerous precedent, whereby the paying agency would pass upon the proprietary and legality of its own disbursements with no check or review by any other agency of the Government.

Mr. Speaker, I leave the matter to the House whether it wants to take $1,200,000 out of the Treasury at the expense of the taxpayers. I might also add many of the claimants are dead.

Mr. CHRISTIANSON. Mr. Speaker, I rise in opposition to the amendment. In the first place, I call attention to the fact that this is not a bill to reimburse corporations, but one to reimburse their employees. This is a proposal to help the "little fellow." This body has had many opportunities to vote money out of the Public Treasury to pay the claims of rich corporations that were engaged in furnishing the Government with supplies during the war, but I dare say this is the first opportunity it has had to accord to workingmen the concessions that have been granted frequently heretofore to their employers. The corporations whose employees would be benefited by this bill are the Minneapolis Steel & Machinery Co., of Minneapolis; the American Hoist & Derrick Co., of St. Paul; and the Twin City Forge & Foundry Co., of Stillwater, Minn. These companies were all acting as contractors or subcontractors in furnishing the Government at its request with shells, gun-carriage parts, and other materials needed during the late war.

Comment has been made upon the fact that many years have elapsed since these claims accrued, and the inference is drawn that therefore they should not be paid. It is not the fault of the men who are to be the beneficiaries of this legislation that this debt is long overdue, for time and again they have come before Congress with bills for reimbursement. In every instance those bills were favorably reported by the committees to which they were referred, but because of the rules under which the House operated, it was impossible to get them to a vote. This is the first opportunity there has been to present the case to the House as such.

During the war there were numerous wage disputes, and the President created a National War Labor Board, headed by William Howard Taft, to adjust differences between war contractors and their employees.

The employees of the companies mentioned in the bill threatened to quit work, whereupon representatives of the Board went before them and assured them that, if they would stay on the job, the Government would pay them the wages paid in the same locality for similar work.

The men continued to work, the Board made its award, and the Secretary of War, Newton D. Baker, recommended that it be carried out. But before the Government's auditors had completed checking the claims there was a change of administration, a new Secretary of War took office, who overruled Secretary Baker on technical grounds.

Our contention is that the National War Labor Board was an agency of the Government, that it acted within the scope of its authority in entering into the said agreement, and that the Government therefore is legally and morally bound thereby.

In that connection, I want to say that Mr. Taft, after he became Chief Justice, voluntarily appeared before a House committee as a witness and declared that in his opinion the claim constituted an obligation of the Government which ought to be paid.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. CHRISTIANSON. Yes.

Mr. PITTENGER. Is it not a fact that the employees in other steel mills in other parts of the country were paid and these were left out?

Mr. CHRISTIANSON. It is a fact, among them being the employees of the great Bethlehem Steel Co. I submit that if the employees of the Bethlehem Steel Co. were entitled to reimbursement, those of these three small Minnesota companies should be given equal consideration.

Mr. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. CHRISTIANSON. Yes.

Mr. ANDRESEN. I might say to my colleague that this appropriation simply carries out an award of the War Labor Board, an agency set up by the Commander in Chief, the President, to settle disputes of this character. The Board, headed by the late Chief Justice Taft, made an award in this case similar to the award in the Bethlehem Steel case, and the men who received the award have since 1920 made every effort to collect by legislation, but have been unable to do so. The award was approved by the Secretary of War, Mr. Newton D. Baker, at the time it was up for original consideration. He said the men were entitled to it and the award should have been paid, but it was not paid because of complications which arose in the change in Secretaries.

The bill has been before Congress on several occasions. The War Claims Committee heard it, passed on the evidence submitted by the witness, and that committee unanimously reported the bill as meritorious and recommended that the claim should be paid by the United States Government. These laboring men were patriotic employees who were working in the defense of their country. They were promised the same scale of wages as other workers were paid. The bill should be approved so that the obligation of the Government may be discharged.

The SPEAKER. The time of the gentleman from Minnesota has expired.

Mr. CHRISTIANSON. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. On the previous section of this bill the Chair put a unanimous-consent request for an extension of time. The attention of the Chair has since been called to a ruling by the author of the present Private Calendar rule, who was presiding at the last session on this calendar. This rule was proposed for the purpose of expediting business. Upon reflection, the Chair does not think he should recognize Members for the purpose of requesting an extension of time.

The question is on the amendment offered by the gentleman from Missouri.

The amendment was rejected.

ST. LUDGERS CATHOLIC CHURCH OF GERMANTOWN, MO.

The Clerk read as follows:

Title III—(H. R. 3797. For the relief of St. Ludgers Catholic Church of Germantown, Henry County, Mo.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to St. Ludgers Catholic Church at Germantown, county of Henry, and State of Missouri, the sum of $3,000 in full compensation for the use and occupation of and incidental damage to St. Ludgers Catholic Church at Germantown by the United States Army during the Civil War.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title III.

Mr. COCHRAN. Mr. Speaker, I am simply trying to be fair in this matter. This bill was introduced by my close personal friend and colleague from Missouri, Mr. WOOD. This bill has been before Congress for many, many years. It so happens that one night some 7 or 8 years ago when our distinguished colleague, Judge Dickinson, was unable to be present, I personally made a speech in behalf of this bill. The bill passed the House, but it failed to pass the Senate. I thought it was a meritorious bill then and I think so now. But, Mr. Speaker, this bill has passed the House and has passed the Senate and has been placed upon the desk of the President of the United States, Mr. Roosevelt, and he vetoed the bill. Why should we put it back in his lap?

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. SHORT. I should like to ask my colleague from Missouri or some member of the War Claims Committee just what the policy of that committee is on different claims arising out of the Civil War. In the Seventy-first Congress that committee established the rule that they would no longer report out any bill for a claim growing out of the Civil War; that is, we would not go back prior to the Spanish-American War.

Mr. BEITER. The committee has the same rule. However, with respect to this particular bill that has been vetoed by the President, it is my understanding that the President was not apprised of all the facts in the case, and if the bill were again presented to him he would sign the bill.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HANCOCK of New York) there were ayes 56 and noes 43.

So the amendment was agreed to.

VELIE MOTORS CORPORATION

The Clerk read as follows:

Title IV—(H. R. 2706. To confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Velie Motors Corporation)

That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment, notwithstanding the lapse of time, or any statute of limitations, or any limitation upon the jurisdiction of such court with respect to claims upon any contract implied in law, upon the claim of the Velie Motors Corporation for reimbursement for net losses sustained by such corporation on account of the additional requirements imposed by the Government with respect to the crating of gun carts manufactured pursuant to a certain war contract (no. CMG-74, dated Oct. 25, 1917) with the Ordnance Department, United States Army, which requirements were not contemplated by such contract.

SEC. 2. Such claim shall be instituted by or on behalf of the Velie Motors Corporation within 1 year after the date of the enactment of this act. Proceedings in any suit before the Court of Claims under this act, and review thereof, and payment of any judgment therein, shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title IV.

Mr. COCHRAN. Mr. Speaker, this is a bill to send a case to the Court of Claims. It is a case growing out of the war. It is just one of the many cases that have been reported. There are involved $37,000. The company had the right to go into court. It did not avail itself of the opportunity. Now, 17 years afterward, some lawyer comes here and wants us to pass a bill to go to the Court of Claims, waiving the statute of limitations. The question is, Are you going to waive the statute of limitations that Congress has provided? They have had a fair opportunity and did not accept it. It is not an ignorant organization. It is a great motor carrying company. Decide for yourselves whether you are going to ask your Government to protect itself in a suit 18 years after the alleged loss.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. Is it not a fact that the contract with the Velie Motor Co. required that they should crate these gun carts for shipment, and that the crates in which the gun carts were placed were not sufficient to warrant their being shipped across the ocean, and, as a result, the War Department demanded that they should build stronger crates, and that this bill would provide $4.23 per gun cart to pay for that additional cost of a stronger crate? As a matter of fact, it was required by their contract that they should be adequately crated for export shipment. Therefore there is not any merit to this claim of the Velie Motor Corporation.

Mr. COCHRAN. There is absolutely no merit to the claim. Their contract provided that they should be shipped in proper crates. The War Department held them to their contract. I repeat there is absolutely no merit to the claim.

Mr. THOMPSON. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, this bill has passed the Senate of the United States twice and has been reported by various House Committees on War Claims, on four different occasions. The provisions of the bill require that this corporation be given its day in court before the Court of Claims. If the House should pass this bill this afternoon, the Velie Motors Corporation is not going to get its money tomorrow or the next day. It must make out and prove its case before the Court of Claims.

Replying to the gentleman from California with reference to the crating of these gun charts, of which there were approximately 9,000, the contract with the Velie Motors Corporation provided that these carts would be shipped to points within the United States. A gun cart is on the order of an ordinary wagon. We know that ordinary wagons are not crated for shipment within the United States; they are put in box cars and blocked the same as automobiles are shipped. In the Velie case the Ordnance Department later found that these gun carts were needed overseas and directed the contractor to crate them for overseas shipment; and the claim is based upon this company's being reimbursed the actual cost of the extra crating for overseas shipment.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. PITTENGER. All this bill does is to give this company its day in court. Is that correct?

Mr. THOMPSON. Absolutely.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. HOPE. It not only gives the company its day in court but it compels the United States Government to waive certain defenses which it otherwise would have to the claim, does it not?

Mr. THOMPSON. Not as I understand it.

Mr. HOPE. The bill not only asks the United States Government to waive the statute of limitaticns but it requires the Government to waive any defense it might have as to the jurisdiction of the court to consider the case of an implied contract, practically the basis of the claim in this case.

Mr. PITTENGER. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. PITTENGER. This involves the additional expense of crating those gun carts for overseas shipment under the direction of the Secretary of War.

Mr. THOMPSON. Under the direction of the Ordnance Department as represented by the ordnance inspectors.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. Yes.

Mr. McCORMACK. And it is the customary thing where the statute of limitations has intervened that it should be waived in order for such a bill to accomplish its objective.

Mr. THOMPSON. That is the only object in passing the bill.

Replying to the gentleman from Missouri [Mr. COCHRAN], who stated that this company had its day in court, unfortunately the head of this corporation became involved in financial difficulties about the time it was getting ready to present this claim to the United States Court of Claims and those who were in control of this company for a period of 5 or 6 years allowed the statute of limitations to run against the claim and neglected to follow the matter through. After Mr. Velie again became active in the management of his company the statute of limitations had run against the claim; thus, this relief is sought.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield.

Mr. COCHRAN. If the case were against the gentleman, would he waive the statute of limitations and permit them to sue him?

Mr. THOMPSON. I believe I would if it were a just claim.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. HOPE) there were—ayes 44, noes 30.

So the amendment was agreed to.

A. C. MESSLER CO.

The Clerk read as follows:

Title V—(H. R. 3101. To confer jurisdiction on the Court of Claims to hear and determine the claim of A. C. Messler Co.)

That the Court of Claims of the United State be, and hereby is, given jurisdiction to hear and determine the claim of the A. C. Messler Co., of Providence, R. I., notwithstanding lapse of time or any statute of limitations, and to award said company compensation for additional material furnished the Government under contract dated April 17, 1918, for the manufacture and delivery of cartridge clips.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Mr. COCHRAN moves to strike out title V.

Mr. COCHRAN. Mr. Speaker, as the gentleman from Minnesota [Mr. PITTENGER] says, and to save him the trouble of repeating it, all this bill does is to send the case to the Court of Claims.

However, Mr. Speaker, this company had its day in court with the Board set up by this Congress under the Dent Act. Mr. Dent, if you please, was chairman of the Military Affairs Committee of this House, and the Congress passed a bill known as the Dent Act, under which every person and corporation who had a claim against this Government growing out of the World War had an opportunity to be heard. This company, just like the other companies, had its day in court and was denied recognition by the Department.

The fact that the Department paid hundreds of millions of dollars to contractors and was criticized for it is evidence in itself that the Board was fair.

It is unjust to ask the Government 18 years after the contract to defend itself in court when we do not know whether the witnesses can be found or whether the evidence is available.

I have nothing further to say about the bill.

Mr. CAVICCHIA. Mr. Speaker, I wish to be heard in opposition to the amendment.

Mr. Speaker, I was a member of the subcommittee which considered the bill in the Seventy-second, the Seventy-third, and the Seventy-fourth Congresses. The gentleman from Missouri is wrong when he says that the Dent Board turned down this bill. As a matter of fact the Dent Board was unanimous for the payment of this bill to the amount of $16,000, but the Comptroller General refused to pay the warrant because he said it was an illegal payment. In the meantime the statute of limitations ran against the claim. Subsequently the Senate passed a bill ordering that the Messlers be paid $12,000. The House of Representatives, through its committee, compromised and recommended the payment of $10,000.

For years Mr. Messler, an old gentleman from Providence, R. I., has haunted the galleries of this House hoping that in his old age he might be able to collect from Uncle Sam what he considers is a just claim.

Mr. Speaker, this bill does not call for the payment of any money but simply gives Messler the right to go to the Court of Claims to establish his claim. I would hate to have to do business with the United States Government and have my claim passed upon the way some of these bills are being passed upon by the Members of this House. Members of subcommittees spend days and days listening to testimony. The full committee listens to the reports of witnesses and members of the subcommittee. They unanimously agree to recommend that a bill pass, so that someone might be put in a position to justify his claim before the Court of Claims. Then a Member gets up here and says "no", and the claimant is thrown out. If that is the way to legislate, I disagree with you gentlemen who will answer "yes" to the question.

Mr. Speaker, this claim was originally handled by Mr. Condon, formerly a Member of this House from Rhode Island, who resigned to become a member of the supreme court of his State. This is a meritorious claim. The Government supplied material which only enabled the manufacture of 1,000 clips out of every 19 pounds of material, whereas the United States officers thought that Mr. Messler could and should have obtained 1,000 clips out of every 17 pounds of material. The metal was heavier than the Government representatives thought it was, and when the material ran out this man Messler had to go out in the open market and buy enough to make up the necessary number of clips to supply the number called for by his contract, because the contract contained a penalty clause. If Messler had not supplied so many thousand clips by a certain day he would have been subject to a fine. The Army representatives supervising the work in his factory told him to go out and buy the material.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 32, noes 48.

So the amendment was rejected.

Mr. TAYLOR of South Carolina. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair will count.

Mr. TAYLOR of South Carolina. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The question is on the engrossment and third reading of the bill H. R. 8236.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. COCHRAN. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 137, nays 168, not voting 125, as follows:

[Roll No. 37]

YEAS—137

Amlie	Biermann	Burdick	Cross, Tex.
Andresen	Binderup	Cavicchia	Crowe
Andrew, Mass.	Bland	Chandler	Cullen
Arends	Bloom	Chapman	Curley
Bacharach	Boehne	Christianson	Daly
Bankhead	Boileau	Coffee	Darden
Barry	Brown, Ga.	Connery	Deen
Beiter	Brown, Mich.	Cravens	Delaney
Bell	Buckler, Minn.	Creal	Driver

Duffy, N. Y.	Houston	Martin, Mass.	Schneider, Wis.
Dunn, Pa.	Hull	Mason	Seger
Eagle	Jacobsen	Maverick	Shannon
Eaton	Jenckes, Ind.	May	Sullivan
Fenerty	Johnson, Tex.	Mead	Sumners, Tex.
Focht	Kahn	Merritt, N. Y.	Tarver
Frey	Kennedy, Md.	Monaghan	Thom
Fulmer	Kennedy, N. Y.	Nichols	Thomason
Gambrill	Kenney	O'Connell	Thompson
Gasque	Knutson	O'Day	Tolan
Gassaway	Kopplemann	O'Leary	Turpin
Gehrmann	Kramer	Parks	Utterback
Gifford	Kvale	Patton	Wadsworth
Gildea	Lanham	Pfeifer	Walter
Gillette	Lea, Calif.	Pittenger	Weaver
Gingery	Lemke	Powers	Welch
Goldsborough	Lord	Ramspeck	West
Greenwood	Lundeen	Randolph	Whelchel
Guyer	McClellan	Reed, N. Y.	Wilcox
Gwynne	McCormack	Reilly	Williams
Halleck	McMillan	Risk	Wilson, La.
Hart	McReynolds	Robinson, Utah	Withrow
Harter	McSwain	Rogers, N. H.	Wolverton
Higgins, Conn.	Maas	Ryan	
Hildebrandt	Mansfield	Sanders, Tex.	
Hook	Marcantonio	Sauthoff	

NAYS—168

Allen	Dunn, Miss.	Lesinski	Robertson
Ashbrook	Eckert	Lewis, Colo.	Rogers, Mass.
Bacon	Edmiston	Lucas	Rogers, Okla.
Beam	Eicher	Luckey	Russell
Blackney	Engel	Ludlow	Schuetz
Blanton	Englebright	McAndrews	Scott
Brewster	Ferguson	McFarlane	Scrugham
Caldwell	Fiesinger	McGehee	Sears
Cannon, Mo.	Fish	McGrath	Secrest
Carlson	Flannagan	McGroarty	Shanley
Carmichael	Fletcher	McKeough	Smith, Va.
Carpenter	Ford, Calif.	McLaughlin	Smith, Wash.
Carter	Ford, Miss.	Mahon	Smith, W. Va.
Cartwright	Gavagan	Main	Snell
Castellow	Gearhart	Mapes	Snyder, Pa.
Celler	Gilchrist	Massingale	South
Church	Goodwin	Michener	Spence
Citron	Granfield	Millard	Stack
Cochran	Gray, Pa.	Miller	Starnes
Colden	Greever	Mitchell, Ill.	Stefan
Cole, Md.	Griswold	Mitchell, Tenn.	Stubbs
Cole, N. Y.	Hamlin	Moran	Sutphin
Collins	Hancock, N. Y.	Mott	Taber
Colmer	Healey	Nelson	Taylor, Colo.
Cooper, Tenn.	Hess	O'Brien	Taylor, S. C.
Costello	Hoffman	O'Malley	Thurston
Cox	Hollister	Palmisano	Tinkham
Crawford	Holmes	Parsons	Tobey
Crosby	Hope	Patman	Treadway
Crosser, Ohio	Huddleston	Patterson	Umstead
Crowther	Imhoff	Peterson, Ga.	Vinson, Ga.
Darrow	Johnson, Okla.	Pierce	Wallgren
Dickstein	Johnson, W. Va.	Polk	Wearin
Dies	Jones	Quinn	Werner
Dietrich	Keller	Rabaut	Whittington
Dockweiler	Kinzer	Ramsay	Wigglesworth
Dondero	Kloeb	Rankin	Wolcott
Dorsey	Kniffin	Rayburn	Wolfenden
Doughton	Kocialkowski	Reed, Ill.	Woodruff
Doxey	Lambertson	Rich	Woodrum
Drewry	Lambeth	Richards	Young
Driscoll	Lamneck	Richardson	Zimmerman

NOT VOTING—125

Adair	Dingell	Kee	Robsion, Ky.
Andrews, N. Y.	Dirksen	Kelly	Romjue
Ayers	Disney	Kerr	Rudd
Barden	Ditter	Kleberg	Sabath
Berlin	Dobbins	Larrabee	Sadowski
Boland	Doutrich	Lee, Okla.	Sanders, La.
Bolton	Duffey, Ohio	Lehlbach	Sandlin
Boykin	Duncan	Lewis, Md.	Schaefer
Boylan	Ekwall	McLean	Schulte
Brennan	Ellenbogen	McLeod	Short
Brooks	Evans	Maloney	Sirovich
Buchanan	Faddis	Marshall	Sisson
Buck	Farley	Martin, Colo.	Smith, Conn.
Buckbee	Fernandez	Meeks	Somers, N. Y.
Buckley, N. Y.	Fitzpatrick	Merritt, Conn.	Steagall
Bulwinkle	Fuller	Montague	Stewart
Burch	Gray, Ind.	Montet	Sweeney
Burnham	Green	Moritz	Taylor, Tenn.
Cannon, Wis.	Greenway	Murdock	Terry
Cary	Gregory	Norton	Thomas
Casey	Haines	O'Connor	Tonry
Claiborne	Hancock, N. C.	Oliver	Turner
Clark, Idaho	Harlan	O'Neal	Underwood
Clark, N. C.	Hartley	Owen	Vinson, Ky.
Cooley	Hennings	Pearson	Warren
Cooper, Ohio	Higgins, Mass.	Perkins	White
Corning	Hill, Ala.	Peterson, Fla.	Wilson, Pa.
Culkin	Hill, Knute	Pettengill	Wood
Cummings	Hill, Samuel B.	Peyser	Zioncheck
Dear	Hobbs	Plumley	
Dempsey	Hoeppel	Ransley	
DeRouen	Jenkins, Ohio	Reece	

So the bill was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Harlan (for) with Mr. Jenkins of Ohio (against).

General pairs:

Mr. Boland with Mr. Robsion of Kentucky.
Mr. O'Connor with Mr. Wilson of Pennsylvania.
Mr. Burch with Mr. Lehlbach.
Mr. Hancock of North Carolina with Mr. Bolton.
Mr. Steagall with Mr. Hartley.
Mr. Corning with Mr. McLean.
Mr. Warren with Mr. Short.
Mr. Montague with Mr. Marshall.
Mr. Kerr with Mr. Ditter.
Mr. Clark of North Carolina with Mr. Andrews of New York.
Mr. Samuel B. Hill with Mr. Ekwall.
Mr. Fuller with Mr. Cooper of Ohio.
Mr. Bulwinkle with Mr. Plumley.
Mr. Boylan with Mr. Taylor of Tennessee.
Mr. Dingell with Mr. McLeod.
Mr. Fernandez with Mr. Culkin.
Mr. Buchanan with Mr. Doutrich.
Mr. Fitzpatrick with Mr. Merritt of Connecticut.
Mr. Maloney with Mr. Buckbee.
Mr. Cary with Mr. Perkins.
Mr. Vinson of Kentucky with Mr. Ransley.
Mr. Dear with Mr. Burnham.
Mr. Schulte with Mr. Dirksen.
Mr. Sabath with Mr. Reece.
Mr. Cooley with Mr. Stewart.
Mr. Oliver with Mr. Thomas.
Mr. Montet with Mr. Tonry.
Mr. Somers of New York with Mr. Duncan.
Mr. Kee with Mr. Buckley of New York.
Mr. Buck with Mr. Adair.
Mr. Pearson with Mr. Owen.
Mr. Hennings with Mr. Sandlin.
Mr. Dempsey with Mr. Larrabee.
Mr. Cummings with Mr. Sisson.
Mr. Rudd with Mr. Claiborne.
Mr. Brooks with Mr. O'Neil.
Mr. Gregory with Mr. Terry.
Mr. DeRouen with Mr. Sadowski.
Mr. Green with Mr. Brennan.
Mr. Sweeney with Mr. Dobbins.
Mrs. Norton with Mr. White.
Mr. Faddis with Mr. Meeks.
Mr. Lewis of Maryland with Mr. Schaeffer.
Mr. Pettengill with Mr. Ayres.
Mr. Peterson of Florida with Mr. Gray of Indiana.
Mr. Smith of Connecticut with Mr. Barden.
Mr. Kelly with Mr. Disney.
Mr. Murdock with Mr. Evans.
Mr. Wood with Mr. Sirovich.
Mr. Kleberg with Mr. Clark of Idaho.
Mr. Peyser with Mr. Berlin.
Mr. Casey with Mr. Hobbs.
Mr. Higgins of Massachusetts with Mr. Duffey of Ohio.
Mr. Ellenbogen with Mr. Turner.
Mr. Martin of Colorado with Mr. Farley.
Mr. Zioncheck with Mr. Lee of Oklahoma.
Mr. Hill of Alabama with Mr. Sanders of Louisiana.
Mr. Haines with Mrs. Greenway.
Mr. Romjue with Mr. Knute Hill.

Mr. CURLEY and Mr. CULLEN changed their vote from "nay" to "yea."

Mr. TINKHAM changed his vote from "yea" to "nay."

Mr. THOMASON. Mr. Speaker, I wish to announce that the gentleman from Alabama, Mr. HILL; the gentleman from Illinois, Mr. SCHAEFER; the gentleman from Vermont, Mr. PLUMLEY; the gentleman from Missouri, Mr. SHORT; and the gentleman from California, Mr. BUCK, are attending a meeting of a Subcommittee on Military Affairs and for this reason are not here to answer to their names.

The doors were opened.

The result of the vote was announced as above recorded.

On motion of Mr. COCHRAN, a motion to reconsider was laid on the table.

The SPEAKER. The Clerk will call the next omnibus bill on the Private Calendar.

The Clerk called the next bill, H. R. 8524, for the relief of sundry claimants, and for other purposes.

WILLIAM J. COCKE

The Clerk read as follows:

Be it enacted, etc.—

Title I—(S. 941. An act for the relief of William J. Cocke)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William J. Cocke, of North Carolina, the sum of $9,116.88 in full settlement of all claims against the Government, for losses growing out of contracts with the War Department, one dated July 1, 1918, for the purchase of garbage from Camp Green, situate at or near the city of Charlotte, N. C.; and the other dated September 3, 1918, for Camp Wadsworth,

situate at or near the city of Spartanburg, S. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title I.

Mr. COCHRAN. Mr. Speaker, this is another omnibus bill from the War Claims Committee. Therefore all bills contained in this omnibus measure are old war claims, but this is the outstanding one of them all.

A man made a contract with the Government to take the garbage from a cantonment in North Carolina, and he bought himself a lot of little pigs to feed the garbage to. He claims some of this garbage was diverted and stolen. [Laughter.] Of course, it was diverted. It was diverted to the inner man of the soldiers. They did not believe in leaving anything on their plates to feed to pigs. So after the war was over he comes along and wants the Government to pay him $33,000 because he did not get enough garbage to feed the pigs he had purchased. [Laughter.]

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Not now.

The War Department heard the case. This man had the right to go to the Court of Claims, if he desired. The Dent Act was in effect, which enabled him to be heard by that board.

In conclusion, I may say the board held that the War Department never promised the contractor to give him enough garbage to feed all the little pigs he might buy. So now he comes to the Congress, and the gentlemen on the War Claims Committee are very generous, but they are not generous enough to give him $33,000, and say, "All we are going to give you is $9,000." So they report the bill favorably, not to send the matter to the Court of Claims, not to have it reviewed by the Comptroller General, but to go into the Treasury of the United States and take out $9,000, at a time when we are trying to find money to pay some of the bills we have already passed. There is no Court of Claims involved in this measure. This is a direct payment out of the Treasury.

Mr. HANCOCK of New York. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield to the gentleman from New York.

Mr. HANCOCK of New York. I simply want to call the gentleman's attention to the fact that this case did go to the Court of Claims and the Court of Claims dismissed it.

Mr. COCHRAN. I thank the gentleman for his contribution. The claim did go to the Court of Claims, according to the gentleman from New York, who is seldom wrong, and I know he is right now, because he has the papers before him, and therefore you are asked to appropriate $9,000 out of the Treasury.

Mr. RICH and Mr. BLANTON rose.

Mr. COCHRAN. I yield to the gentleman from Pennsylvania [Mr. RICH], who was on his feet first.

Mr. RICH. Would it not have been a good thing if we had had a Secretary of Agriculture at that time like the one we have now to kill the little pigs?

Mr. COCHRAN. I yield to the gentleman from Texas.

Mr. BLANTON. At one time the committee reported this bill for the full amount of $33,000. The gentleman, I am sure, will recall that.

Mr. BEITER rose.

Mr. COCHRAN. I will let the gentleman from the committee make his statement in his own time and I yield back the balance of my time, Mr. Speaker.

Mr. BLANTON. Mr. Speaker, I move to strike out the enacting clause.

Mr. BIERMANN. Mr. Speaker, I make a point of order against that. I do not believe that motion is allowed under the rule.

Mr. BLANTON. There is no change in the rules of the House in that respect.

Mr. BEITER. Under the rules only two amendments are allowed to be offered.

The SPEAKER. The motion to strike out the enacting clause is not an amendment in the sense contemplated by the rule. The Chair is of the opinion that the motion is in order and the gentleman from Texas is recognized for 5 minutes.

Mr. BLANTON. Mr. Speaker, unless we do like Joe Walsh once said and unhang the Treasury door from its hinges, and let everybody put their long, hairy arms into the Treasury and take out whatever they want, you are going to have to repeal this O'Connor rule that allows bills to come in here in omnibus fashion.

When the new rule was brought up here I called your attention to what it would do, and that under it, it would be impossible to defeat bad bills. I called your attention to the fact it would not work. I called your attention to the fact that the gentleman from New York [Mr. O'CONNOR], himself, then had a bill here involving $990,000 that could come in under an omnibus act, and if passed would set a precedent that could cost the Government at least $1,000,000,000.

Well, the rule was passed. The O'Connor bill that had been stopped time and again here in the House was brought up in an omnibus bill and passed. It went to the Senate, which passed it, and was sent to the White House and the President had to veto it.

Mr. PITTENGER. Mr. Speaker, I make the point of order the gentleman is not addressing his remarks to the bill before the House. The gentleman is talking about other matters of ancient history and is not proceeding in order.

The SPEAKER. The gentleman from Texas will proceed in order.

Mr. BLANTON. Certainly, I am proceeding in order. I am talking about this omnibus bill that ought to have its enacting clause stricken out. This is just one of them. There are several of them involved, and this measure is just as pernicious as was the O'Connor bill. Why, this bill has been defeated on this floor time and time again. This garbage bill ought not to pass. It is an unjust claim. The Court of Claims has passed upon it and has turned it down.

I have seen bills come up here involving $1,000,000 that lawyers would fight over in a Federal court for 3 weeks, introducing evidence under the rules of the court and in accordance with law and fighting across the table to see whether or not the claim ought to be paid.

We bring it here in an omnibus bill with 5 minutes' debate on each side—bills taking the people's tax money out of the Treasury, some of it without legal process of law.

We ought to stop that. We ought to be sensible about it. I represent almost 300,000 people, and so do you—every one of you. These people are depending on us; they put their business in our hands and depend on us to represent them. We are not doing right by them when we bring in these matters in an omnibus bill. We should bring them in in separate bills and consider them on their merits. If they have merit, we should pass them. Let every bill stand on its own bottom.

I remember under the old method we passed bill after bill and did not scramble them all up together. Let us unscramble these bills and repeal this rule.

Let me tell you one thing, and that is that if I come back here next year, and before you pass the rules of this House, I am going to make a fight on the floor of this House to keep this omnibus rule from ever going into the rules again.

I leave it to the old Members if it was not a sensible way to pass these bills under the old rule.

I have seen the time when in one night session we passed 75 good bills right along, one after another, because they were good bills.

Mr. BIERMANN. Mr. Speaker, a parliamentary inquiry. Under the rule we are working under I find these words:

Omnibus bills shall be read for amendment by paragraph, and no amendment shall be in order except to strike out or to reduce amounts of money or to provide limitation.

My inquiry is whether or not it is going to be in order for me to move to strike out the last word?

The SPEAKER. It will not.

Mr. BIERMANN. Is the gentleman from Texas out of order?

The SPEAKER. He is not. The gentleman from Texas moved to strike out the enacting clause. He did not offer an amendment.

Mr. BIERMANN. Mr. Speaker, I rise in opposition to the motion. I appreciate the fact that it is difficult to have rules under which we can consider these private bills efficiently, but I do not believe that the rules under which we are operating now deserve the kind of criticism they have been having from the gentleman from Texas [Mr. BLANTON]. I call attention to the fact that in considering one of these omnibus bills the Clerk reads a title, which is a private bill that has been ruled out by objection. The House then passes upon that title, which is the private bill referred to. The House votes it up or down. It has had its day in court; it has had its trial; and if it be agreed to in this House, the House then in effect passes that private bill for the time being. But after some titles or bills have survived the gamut of debate, they are bunched in a group—the last bill had only three left after debate—and the bills then are voted either up or down as a group. I do not think there is any style of bill which comes before this House which is so adequately tried as these private bills resolved into omnibus bills.

It amazes me to have the gentleman from Texas again and again assert his devotion to economy in the Government. He voted for $2,237,000,000 additional for a soldiers' bonus that is not due. About 2 or 3 weeks ago he voted for a $545,000,000 Army appropriation, and next week, I have no doubt, he will vote for a $550,000,000 Navy appropriation bill. That makes a total of pretty close to $3,300,000,000 saddled upon the backs of the American taxpayers with his help the past 2½ months. I venture to say that when we try to get a roll call on the Navy appropriation bill the gentleman from Texas will not ask for that roll call.

Mr. BLANTON. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. I will not yield. I will follow the practice of the gentleman from Texas.

Mr. BLANTON. If the gentleman will yield, I never straddled a vote.

Mr. BIERMANN. And while I am on my feet I call attention of the House to the fact that there is no one else who brags so much about his knowledge of the rules of the House and who violates the rules so persistently as does the distinguished gentleman from Texas.

Mr. BLANTON. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. It is against the rules of the House for a Member in speaking to refer to another Member in a personal way and then not yield to him. It has always been customary in the House for the gentleman who refers to another to yield, and when I mention a gentleman's name I always yield to him.

The SPEAKER. Under the rules a gentleman is not permitted to indulge in personality. So far as one Member yielding to another, that is, of course, within the province of the Member who has the floor.

In further answer to the gentleman from Iowa [Mr. BIERMANN], with reference to the motion to strike out the enacting clause, the Chair reads to the House a portion of paragraph 7 of rule XXIII:

A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

The Chair thinks it clearly in order on these bills to move to strike out the enacting clause.

Mr. SUMNERS of Texas. Mr. Speaker, I rise to submit a question to the Chair as to whether or not all time on this motion has been exhausted.

The SPEAKER. All time has been exhausted on the motion. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken, and the Chair announced himself in doubt.

The House divided; and there were—ayes 64, noes 63.

Mr. BIERMANN. Mr. Speaker, I object to the vote on the ground that there is no quorum present and make the point of order that there is no quorum.

The SPEAKER. The gentleman from Iowa makes the point of order that there is no quorum present and objects to the vote upon that ground. The Chair will count. [After counting.] One hundred and sixty-nine Members present, not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll. The question is on the motion of the gentleman from Texas to strike out the enacting clause.

The question was taken; and there were—yeas 116, nays 181, not voting 133, as follows:

[Roll No. 38]

YEAS—116

Allen	Doxey	Kopplemann	Peterson, Ga.
Andrew, Mass.	Dunn, Miss.	Lamneck	Pettengill
Arends	Eckert	Lewis, Colo.	Pierce
Ashbrook	Edmiston	Luckey	Polk
Bacon	Engel	Ludlow	Randolph
Beam	Fenerty	McAndrews	Rankin
Bell	Fiesinger	McClellan	Rich
Blackney	Fletcher	McFarlane	Rogers, N. H.
Blanton	Ford, Miss.	McKeough	Rogers, Okla.
Buchanan	Fuller	McLaughlin	Sanders, Tex.
Cannon, Mo.	Gilchrist	Maas	Schuetz
Carlson	Gingery	Main	Secrest
Carpenter	Goodwin	Mapes	Shanley
Carter	Griswold	Martin, Mass.	Smith, W. Va.
Castellow	Hancock, N. Y.	Mason	South
Citron	Hartley	Massingale	Starnes
Cochran	Hess	May	Sutphin
Colden	Higgins, Conn.	Michener	Taber
Collins	Hollister	Millard	Taylor, Colo.
Colmer	Holmes	Miller	Taylor, S. C.
Cooper, Tenn.	Hope	Mitchell, Ill.	Terry
Costello	Huddleston	Mitchell, Tenn.	Thurston
Crawford	Johnson, Okla.	Murdock	Tinkham
Crowther	Johnson, Tex.	Nelson	Tobey
Darrow	Johnson, W. Va.	O'Brien	Treadway
Dietrich	Kinzer	O'Connell	Turner
Dirksen	Kloeb	O'Malley	Wallgren
Dondero	Kniffin	Patman	Whittington
Dorsey	Kocialkowski	Patterson	Wolfenden

NAYS—181

Amlie	Deen	Hill, Knute	Palmisano
Andresen	Delaney	Hill, Samuel B.	Parks
Bacharach	Dies	Hoffman	Parsons
Bankhead	Disney	Hook	Patton
Barry	Drewry	Houston	Peterson, Fla.
Beiter	Driscoll	Hull	Pfeifer
Biermann	Driver	Imhoff	Pittenger
Binderup	Duffy, N. Y.	Jacobsen	Powers
Bland	Dunn, Pa.	Kahn	Rabaut
Bloom	Eagle	Kennedy, Md.	Ramsay
Boehne	Eaton	Kenney	Ramspeck
Boileau	Eicher	Knutson	Rayburn
Brewster	Ekwall	Kramer	Reed, Ill.
Brown, Ga.	Englebright	Kvale	Reed, N. Y.
Brown, Mich.	Ferguson	Lambertson	Richardson
Buck	Fitzpatrick	Lambeth	Robertson
Buckler, Minn.	Flannagan	Lanham	Robinson, Utah
Burdick	Focht	Lea, Calif.	Rogers, Mass.
Burnham	Frey	Lemke	Russell
Cavicchia	Fulmer	Lesinski	Ryan
Celler	Gasque	Lord	Sabath
Chandler	Gavagan	Lucas	Sauthoff
Chapman	Gearhart	Lundeen	Schaefer
Christianson	Gehrmann	McCormack	Sears
Church	Gifford	McGehee	Seger
Clark, N. C.	Gildea	McGrath	Shannon
Coffee	Goldsborough	McMillan	Smith, Conn.
Cole, Md.	Granfield	McReynolds	Smith, Va.
Cole, N. Y.	Gray, Pa.	Mahon	Smith, Wash.
Connery	Greenway	Marcantonio	Spence
Cooper, Ohio	Greenwood	Maverick	Stack
Cox	Greever	Mead	Stefan
Cravens	Guyer	Merritt, N. Y.	Stewart
Creal	Gwynne	Monaghan	Stubbs
Crosby	Haines	Moran	Sumners, Tex.
Crosser, Ohio	Halleck	Mott	Tarver
Crowe	Hart	O'Day	Thom
Cullen	Harter	O'Leary	Thomason
Curley	Healey	O'Neal	Thompson
Daly	Hildebrandt	Owen	Tolan

Turpin	Weaver	Wigglesworth	Woodrum
Umstead	Welch	Williams	Young
Utterback	Werner	Wilson, La.	Zimmerman
Wadsworth	West	Wolcott	
Walter	Whelchel	Wolverton	
Wearin	White	Woodruff	

NOT VOTING—133

Adair	Ditter	Kennedy, N. Y.	Robsion, Ky.
Andrews, N. Y.	Dobbins	Kerr	Romjue
Ayers	Dockweiler	Kleberg	Rudd
Barden	Doughton	Larrabee	Sadowski
Berlin	Doutrich	Lee, Okla.	Sanders, La.
Boland	Duffey, Ohio	Lehlbach	Sandlin
Bolton	Duncan	Lewis, Md.	Schneider, Wis.
Boykin	Ellenbogen	McGroarty	Schulte
Boylan	Evans	McLean	Scott
Brennan	Faddis	McLeod	Scrugham
Brooks	Farley	McSwain	Short
Buckbee	Fernandez	Maloney	Sirovich
Buckley, N. Y.	Fish	Mansfield	Sisson
Bulwinkle	Ford, Calif.	Marshall	Snell
Burch	Gambrill	Martin, Colo.	Snyder, Pa.
Caldwell	Gassaway	Meeks	Somers, N. Y.
Cannon, Wis.	Gillette	Merritt, Conn.	Steagall
Carmichael	Gray, Ind.	Montague	Sullivan
Cartwright	Green	Montet	Sweeney
Cary	Gregory	Moritz	Taylor, Tenn.
Casey	Hamlin	Nichols	Thomas
Claiborne	Hancock, N. C.	Norton	Tonry
Clark, Idaho	Harlin	O'Connor	Underwood
Cooley	Hennings	Oliver	Vinson, Ga.
Corning	Higgins, Mass.	Pearson	Vinson, Ky.
Cross, Tex.	Hill, Ala.	Perkins	Warren
Culkin	Hobbs	Peyser	Wilcox
Cummings	Hoeppel	Plumley	Wilson, Pa.
Darden	Jenckes, Ind.	Quinn	Withrow
Dear	Jenkins, Ohio.	Ransley	Wood
Dempsey	Jones	Reece	Zioncheck
DeRouen	Kee	Reilly	
Dickstein	Keller	Richards	
Dingell	Kelly	Risk	

So the motion was rejected.

The Clerk announced the following pair:

Mr. Jenkins of Ohio (for) with Mr. Harlan (against).

Additional general pairs:

Mr. Doughton with Mr. Snell.
Mr. Mansfield with Mr. Merritt of Connecticut.
Mr. Jones with Mr. Risk.
Mr. McSwain with Mr. Andrews of New York.
Mr. Steagall with Mr. Reece.
Mr. Kelly with Mr. Fish.
Mr. Vinson of Georgia with Mr. Doutrich.
Mr. Cartwright with Mr. Schneider of Wisconsin.
Mr. Sullivan with Mr. Withrow.
Mr. Schulte with Mr. Cross of Texas.
Mr. Ayers with Mr. Lewis of Maryland.
Mr. Wilcox with Mr. Evans.
Mr. Scott with Mr. Gillette.
Mr. Snyder of Pennsylvania with Mr. Cooley.
Mr. Kennedy of New York with Mr. Brooks.
Mr. Dickstein with Mr. Pearson.
Mr. Richards with Mr. Gregory.
Mr. Caldwell with Mr. Ford of California.
Mr. Reilly with Mr. Nichols.
Mr. Scrugham with Mr. Romjue.
Mr. Quinn with Mr. Adair.
Mrs. Norton with Mr. Darden.
Mr. Gambrill with Mr. Hamlin.
Mr. Keller with Mr. Gray of Indiana.
Mr. Carmichael with Mr. Gassaway.
Mrs. Jenckes of Indiana with Mr. Ellenbogen.
Mr. Dockweiler with Mr. Dear.
Mr. Barden with Mr. McGroarty.

Mr. PIERCE changed his vote from "no" to "aye."

Mr. BURDICK changed his vote from "aye" to "no."

Mr. YOUNG changed his vote from "aye" to "no."

Mr. THOMASON. Mr. Speaker, I wish to announce that the gentleman from Alabama, Mr. HILL; the gentleman from Vermont, Mr. PLUMLEY; the gentleman from Hawaii, Mr. KING; the gentleman from Missouri, Mr. SHORT, and the gentleman from Pennsylvania, Mr. FADDIS, are in attendance upon a subcommittee of the Committee on Military Affairs, and for that reason are not able to be present to answer to this roll call.

The result of the vote was announced as above recorded.

The doors were opened.

Mr. COCHRAN. Mr. Speaker, the question now recurs to my motion to strike out title I, does it not?

The SPEAKER. Yes. The Chair was about to announce that.

Mr. WEAVER. Mr. Speaker, I rise in opposition to the motion.

Mr. GIFFORD. Mr. Speaker, I rise in opposition to the Cochran amendment.

The SPEAKER. The gentleman from North Carolina [Mr. WEAVER] is recognized in opposition to the amendment.

Mr. WEAVER. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, it is with some trepidation that I undertake this afternoon to say a word in defense of this bill which has been so characterized by my friend from Missouri [Mr. COCHRAN] and my friend from Texas [Mr. BLANTON]. Certainly, if it has the characteristics ascribed to it by them, it has no place upon the floor of this House. Yet I find that this bill has twice passed the Senate of the United States. I find that it has been favorably passed upon by five or six different claims committees of the House.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. WEAVER. I yield.

Mr. BEITER. In addition to that, the judge of the court of claims admitted the claimant has been mistreated and should be given some damages?

Mr. WEAVER. Yes. I wish to call that to the attention of this House.

Mr. Speaker, I think these bills should be dealt with on a fair basis. I realize that many of them are troublesome. This may be an old war claim, but it has been here for years because Members of this House had a right to object, and one or two men to absolutely control the situation.

Now, let us see what this claim is. If this bill is not right, I do not ask you to pass it. Not for one moment would I walk into this House before my colleagues and ask them to do something that I thought was unrighteous. During the war they had these various training camps over the United States. There was one at Spartanburg, S. C., and one at Charlotte, N. C. One of the problems was to remove the garbage from those camps, in a sanitary way, so as to do the utmost good. The War Department itself advertised for people to enter into these contracts. Upon the strength of those advertisements and the specifications contained in them, this claimant came in and entered into a contract to remove the garbage from those two camps. In the contract made with the War Department it was understood that this garbage was to be used to be fed to pigs or swine, and the garbage was to be loaded upon certain platforms provided by the commanders of the camps themselves. He entered into these contracts, and they required him to give a bond of $11,000 in each case to see that he did remove it daily from these loading platforms. He put his pigs in there. He went to the expense of buying them. He went to the expense of buying trucks. He hired men and provided equipment, all of which was satisfactory to the commanding officer.

The gentleman from Missouri [Mr. COCHRAN] put in the CONGRESSIONAL RECORD, under date of February 17, a statement in regard to this bill, which is as unfair as the statements made upon the floor of the House today. I wish, therefore, in defense of the Senate of the United States, in defense of the one-half dozen reports made by different Claims Committee of the House, and in defense of myself, as an advocate of this bill, to state some facts that the House may know the basis upon which this appropriation is asked.

The gentleman from Missouri apparently did not read the opinion of the Court of Claims. He apparently did not know it had been before the Court of Claims. As a matter of fact, it has been, and I wish to confine myself to the facts as well as the law found by the Court of Claims itself.

In the decision rendered by this court, they found as a fact that this claimant entered into these contracts, for the removal of garbage at these two camps; that during the period covered by these contracts the average number of men at one of these camps was 11,000, and I think it is safe to assume that there was an equal number at the other camp. This would make 22,000 men, or a city of considerable size from which the claimant was to receive garbage of certain specifications.

He was required to give his bond in each case for $11,000, conditioned that he should daily remove this garbage from

the loading platforms provided by the Government. It is well for the House to keep this in mind. He was never relieved from this obligation nor from the terms of these bonds. He purchased the necessary hogs. He provided the necessary equipment. He had a right to expect his Government to comply with its contract. As to whether these contracts were complied with was determined by the Court of Claims itself. In an opinion rendered in the case, among other things it finds as follows:

The complaint of the plaintiff centers exclusively around the fact that under the contracts he was to receive all the garbage of the specified classifications, to be delivered to him by the Government at certain transfer points fixed by the commanding officer of the camp, and this is precisely what the contract provided. Insofar as a nonobservance of this covenant is involved, the case is free from difficulty. It was not carried out. Large quantities of garbage which the plaintiff should have had were diverted, some of it stolen, and much of it sold to other parties. The plaintiff had established at approved points outside the camps, extensive pigsties, purchased a number of hogs, and was fully equipped to fatten the same upon the garbage he expected to receive. As a result of his inability to get the full quantity of garbage from the camp, the undertaking proved financially disastrous. Repeated complaints were made to the responsible officials, but all to no avail.

The War Department had held that because of the fact that the contract itself provided that the Government did not guarantee any specific number of pounds of garbage that, therefore, it was not obligated to deliver any. This position is so unreasonable that I believe it would not be necessary for me to argue this to any lawyer or to any layman of this House. The Government contracted to give him all of its garbage of certain classes, and the Court of Claims found it violated its contract.

Is it possible that American citizens cannot rely upon the covenants entered into with them by their Government, without resort to technical and ridiculous interpretations of contracts like this?

The court finds as a fact that these camps averaged around 11,000 soldiers each during the period of these contracts. According to the formula which the Government held out to persons to induce them to enter into these contracts, each soldier would produce a certain amount of garbage. This claimant had a right to expect the Government to live up to its agreement. The Court of Claims finds it did not live up to its agreement and that it resulted in financial disaster to this claimant.

Is Congress unwilling to accord to one of its citizens fair compensation for a violation of contracts of the Government? And yet this is what the gentleman from Texas and the gentleman from Missouri ask this House to do.

The case in the Court of Claims to which I have referred was brought for the purpose of recovering profits which the claimant might have received if the Government had complied with its contract. The decision of the Court of Claims in regard to profits was largely correct, as profits are always conjectural, and yet there are elements of damage which could have been easily ascertained. The opinion of the court states that the claimant was under no obligations to continue the performance of such contract and thus prolong and increase his loss, but it is only necessary to point out that at each camp he was held under a bond of $11,000 to remove this garbage daily whenever placed upon the loading platform.

The Senate committee and the House committee have both found that due to this failure of the Federal Government to deliver this garbage which, as stated in the opinion of the Court of Claims, was diverted and sold to other parties, financial disaster resulted to the claimant. It was necessary to provide other methods of feeding the hogs which he had purchased to be fattened on the garbage contracted to be furnished by the Government. He had to keep up his necessary equipment, employ the necessary number of men, and to keep in readiness to perform his contract with the Government under the penalties of these bonds. Not having received the necessary garbage he had to go into the open market and purchase corn at exorbitant prices. The Senate committee and the House committee have had the whole transcript of the case before them and have found that the amount of corn which it was necessary to purchase with which to feed these hogs, after deducting the contract price of the garbage which would have been necessary for the same purpose, was such that the claimant is entitled to the amount set out in this bill.

Notwithstanding the statement of the gentleman from Texas, no committee of the House or Senate has found damages more than this. The question here is, after the findings of the facts by the Court of Claims, whether or not this Congress will remedy a judicially ascertained breach of the Government's contract with this claimant.

The SPEAKER. The time of the gentleman from North Carolina [Mr. WEAVER] has expired. All time has expired.

The question is on the motion of the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. COCHRAN) there were ayes 79 and noes 51.

So the amendment was agreed to.

SOUTHERN PRODUCTS CO.

The Clerk read as follows:

Title II—(S. 929. An act for the relief of the Southern Products Co.)

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Southern Products Co., Dallas, Tex., the sum of $13,051.19 in full settlement of all claims against the Government, for the cost of removal and of the cost of reconditioning 9,097 bales of good, merchantable cotton, from its place of storage in the Bush Terminal Co. warehouse, Brooklyn, N. Y., the damage being caused to the cotton by climatic and other causes during its enforced removal and while it was exposed to the weather after removal from the Bush Terminal Warehouse, Brooklyn, N. Y., as result of the commandeering the entire storage warehouse on January 3, 1918, by the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title II.

Mr. COCHRAN. Mr. Speaker, I am going along very fast. This case was heard by the Court of Claims and a decision rendered on March 8, 1926, in which the claim of the Southern Products Co. was denied. This bill provides for appropriating money, paying it out of the Treasury of the United States, regardless of the unfavorable decision of the Court of Claims. Why should we not follow the findings of the Court of Claims in this case?

Mr. SUMNERS of Texas. Mr. Speaker, I rise in opposition to the amendment.

The statement of the gentleman from Missouri is, not intentionally so, of course, but is somewhat misleading. This cotton company had about 10,000 bales of cotton stored in a warehouse in New York. There is no dispute about these facts. The space was commandeered by the Government during the war and this cotton was thrown out. This claim has been examined by two agencies of the Government. Each of those agencies ascertained that the damage was in the amount incorporated in this bill. In order that we may know what we are talking about, may I read the findings of fact by the Court of Claims, and also similar findings of fact by another agency of the Government, into the RECORD?

The Court of Claims said:

During the removal of the cotton, and while it was on the dock to which it was removed, the cotton was exposed to the weather and some of it was so damaged that it was unmarketable and useless unless it was reconditioned. The cotton was reconditioned by the plaintiff * * *.

And the court found that the damage was $15,744.15. This is also the amount found by another Government

agency as the damage resulting from the act of the Government in commandeering this space.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. SUMNERS of Texas. For a brief question; yes.

Mr. COCHRAN. I would kindly ask the gentleman to read the conclusion of law of the Court of Claims. I could have read it but I cut my statement short. Read where they made the plaintiff pay the costs.

Mr. SUMNERS of Texas. All right, I will read the conclusion of law. The conclusion of law is that this was not a taking of private property for a public use, so that the Government could be held for taking private property for a public use. They held, too, that it was not a settlement under the Dent Act, because the Government did not have a contract with these cotton people. The Government used the might of the great sovereign against a private citizen, from which two Government agencies found that the citizen suffered damages in the amount carried in this bill and no payment. Do I make myself clear?

Mr. COCHRAN. And the Court required the plaintiff to pay the costs.

Mr. SUMNERS of Texas. Mr. Speaker, I cannot yield further. The gentleman will not question my statement; I am going to repeat it: The Court of Claims found solemnly that the damage was the amount incorporated in this bill. The Court of Claims and all the agencies found that this company could not recover because damage did not arise out of any agreement between the Government and these cotton people. They were not asked to agree, they were thrown out on the street by the Government.

The sole question is, and it is upon the conscience of the Members of Congress, whether or not this Government can do this to a private citizen and the Congress will let it go without redress when two agencies of the Government solemnly determined that, as a result of the Government's act, a private citizen has suffered every cent that is asked in this bill. Can the Government do this and not pay for it? That is all there is to it.

[Here the gavel fell.]

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. SUMNERS of Texas) there were—ayes 52, noes 64.

So the amendment was rejected.

UNION SHIPPING & TRADING CO., LTD.

The Clerk read as follows:

Title III—(H. R. 402. A bill for the relief of the Union Shipping & Trading Co., Ltd.)

That the claim of the Union Shipping & Trading Co., Ltd, against the United States of America for damages alleged to have been caused by a collision on April 25, 1918, near Pauillac, in the Gironde River, France, between the Spanish steamship *Consuelo* (at the time of the collision the British steamship *Reims*) and the American steamship *Berwind*, then in the transport service of the United States War Department, may be sued for by the said Union Shipping & Trading Co., Ltd., in the District Court of the United States for the Southern District of New York, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit (in accordance with the principles of libels in rem and/or in personam), and to enter a judgment or decree for the amount of such damages (including interest) and costs, if any, as shall be found to be due against the United States in favor of the said Union Shipping & Trading Co., Ltd., or against the said Union Shipping & Trading Co., Ltd., in favor of the United States upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That at the trial of said suit the written report or reports concerning said collision made by the pilot, master, any officer or member of the crew of the steamship *Berwind*, who is not available to testify because he is dead or cannot be found, may be admitted in evidence: *Provided further*, That such notice of the said suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within 4 months of the date of the passage of this act.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out all of title III.

Mr. COCHRAN. Mr. Speaker, this bill is for an $85,000 claim of the owners of a ship that was being used as a transport in 1918 and which was in collision with a foreign vessel.

I read the last paragraph of a report by the Secretary of War at that time, Dwight Davis:

While I believe that the formal written reports of the master and members of the crew of the *Berwind* lack the value of the oral testimony of witnesses in court and that the Government may, to that extent, be handicapped in its defense, I am of the opinion that the trial of the issue is now warranted and therefore recommend favorable action on the bill.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I was fair; I read the last paragraph of the summary.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I hope the gentleman will let me proceed. This shows how fair I am to the gentleman. I read the favorable words of the Secretary of War on this $85,000 claim. What more can you ask for?

This collision occurred in 1918; $85,000 is involved. It should have been settled years ago and your Government is going to be handicapped to be asked to defend this suit at this time.

Mr. COSTELLO. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. COSTELLO. Does the gentleman think we should authorize the Court of Claims to accept as evidence the written reports and statements of members of the crews of these ships where they are now dead or not available?

Mr. COCHRAN. I do not think so.

Mr. COSTELLO. In other words the Government would find itself in court without the opportunity of cross-examining or questioning various witnesses who have died subsequent to the time these statements were made?

Mr. COCHRAN. I think this House would be handicapping the Government by sending this case to the courts. The bill should be defeated.

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, all I desire to do is to present the facts. The House may then pass on the measure. The crucial point involved is that raised by the gentleman from California. There was a collision between a British ship and an American ship. The British ship had anchored in a fog. The American ship came up and collided with it. This happened during the war. A notice was at once given that the British ship would assert a claim.

About 5 months after the accident the American ship, which was the offender, was torpedoed and lost, with all parties on board. It was then understood by the British ship that damages were recognized and negligence admitted. But subsequently negligence was denied by the United States.

A bill was first introduced about 1924 for permission to bring suit against the Government on this claim. There was objection to that bill because the witnesses for the United States Government were not available. They had been lost when the ship was torpedoed. Then this bill was introduced, which gave to the United States the right to introduce on its behalf all statements made by the master, the pilot, or any of the crew, those statements to be considered as testimony just as though taken in court.

Mr. Speaker, the question therefore is whether under those circumstances this Congress will permit the suit. This bill does not send the matter to the Court of Claims to be tried but to an admiralty court, which may weigh the evidence and determine the very fact that the gentleman from California raises. That court may determine whether these statements have the force and effect that should be accorded to oral testimony and weigh the Government's handicap. All of those facts may be considered. The sole question is whether you are willing that this matter shall be passed on by a court of our own country with this evidence before it, the Government's case being presented in the shape of written statements of the master, officers, and crew.

Mr. BUCK. Will the gentleman yield?

Mr. BLAND. I yield to the gentleman from California.

Mr. BUCK. Who is the claimant in this case?

Mr. BLAND. The Union Shipping & Trading Co., Ltd.

Mr. BUCK. Is that a domestic corporation?

Mr. BLAND. No; it is a British corporation.

Mr. BUCK. They were the owners of the ship that was damaged?

Mr. BLAND. They were the owners of the ship that was damaged in the collision.

Mr. Speaker, with this statement I am perfectly willing to leave the matter entirely to the decision of the Members of the House.

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and the Chair, being in doubt, the House divided, and there were—ayes 51, noes 38.

So the amendment was agreed to.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, it is rather late in the afternoon. We have a rather small membership present. There is a great deal of interest involved in these various claims. It is very apparent we cannot finish this bill this evening, which, of course, will preserve its status until the calendar is called again. Under the circumstances I think we might as well adjourn.

Mr. COCHRAN. Will the gentleman yield?

Mr. BANKHEAD. I yield to the gentleman from Missouri.

Mr. COCHRAN. I may say to the gentleman that we can finish this bill in 10 minutes. We can go through it very quickly. I can assure the gentleman I will not take more than a minute on each item.

Mr. BANKHEAD. I am anxious to get these bills disposed of.

Mr. COCHRAN. Why not get rid of this bill? There are bills coming on that should pass, and there are dozens of them.

Mr. BANKHEAD. I will withdraw the suggestion for the moment.

DAVID A. WRIGHT

The Clerk read as follows:

Title IV—(H. R. 2713. A bill granting jurisdiction to the Court of Claims to hear the case of David A. Wright.)

That the Court of Claims be, and hereby is, given jurisdiction to reinstate, reopen, and rehear the case of David A. Wright, of Winona, Mo., against the United States, no. 261–A in said court, and upon the pleadings, evidence, and other proceedings in that cause, and such other proceedings, if any, as the court may deem necessary or proper, to readjudicate the same and determine the amount of costs or expenditures, if any, which the said David A. Wright may have expended or incurred in 1918 in the rehabilitation of a manufacturing plant (commonly called the Allis-Chalmers plant), at 1150 Washtenaw Avenue, Chicago, Ill., and in the beginning of production of heavy-duty lathes, to meet the needs, or the then anticipated needs, of the Ordnance Department for any gun-relining or gun-manufacturing project initiated and under way in the Ordnance Department of the United States Army, in reliance in good faith upon any promise or assurance given him by Maj. Charles D. Westcott, Ordnance Department, United States Army, or Howard Abbott, an engineer in the plant section of the production division of the Ordnance Department, that the said David A. Wright would receive a contract, or contracts, for the manufacture of heavy-duty lathes that would absorb such costs or expenditures, notwithstanding such Ordnance Department projects may have been contingent upon the continuation of the war and may have been abandoned because of the signing of the armistice of November 11, 1918, and notwithstanding section 3744 of the Revised Statutes: *Provided*, That the Court of Claims shall be of opinion that the said David A. Wright made or incurred such expenditures in reliance in good faith upon the belief that Major Westcott or Mr. Abbott possessed the authority to make such promise or assurance on behalf of the Ordnance Department and that he was justified in doing so under the circumstances.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Strike out title IV.

Mr. COCHRAN. Mr. Speaker, this claimant lives in my own State, and, as a matter of fact, his nephew was in to see me Monday. I have gone into this matter very thoroughly. If you will read the bill, you will see this is the readjudication of the claim. It has already had its day in court under the Dent Act. The claim was denied by the Court of Claims. Why send the case back to the Court of Claims for a hearing when it has already been denied? There must be an end somewhere. If the court or Department had not considered the case, then there might be some grounds for favorable action, but the court has already said the Government is not obligated.

Mr. WILLIAMS. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, it is just a question in this bill whether or not we are going to permit a mere technicality to defeat a just and righteous claim. This claim has never been heard on its merits.

The claimant in this case in 1918 was engaged in the manufacture of machine tools in Chicago. He was invited to Washington by a representative of the War Department and was introduced to Major Westcott, and a Mr. Abbott, of the Ordnance Department, who appealed to him to use his force and his manufacturing concern for the purpose of manufacturing heavy-duty lathes that were at that time needed in the prosecution of the war. He told them he was not prepared for that kind of work. They even appealed to his patriotism and told him it was his duty to go ahead. He finally consented and went back to Chicago, where he purchased an old building and rehabilitated it. He started to equip this building to manufacture these tools that were so much needed by the War Department on the representation and on the condition made by these officers of the Ordnance Department that they would give him a contract to manufacture these instruments—the heavy-duty lathes—that were needed at that time for the purpose of relining the cannon that were in actual use in the war.

In accordance with this agreement and understanding, he finally equipped this building; and just as he had it ready to begin the manufacture of the lathes, the Armistice came; and, of course, the Government had no further use for the lathes and the contract was canceled. As a result of this agreement, Mr. Wright, the claimant in this case, had gone back and put into the building and the equipment of it all the money he had, all he could borrow; and when his contract was canceled he then, of course, could not meet his obligations and was sold out and today is living down in the Ozarks of Missouri on a little piece of land, penniless and destitute because this Government did not carry out its contract with him.

All this bill asks is that he be given an opportunity to go into the Court of Claims and present his claim there on fair, equitable, and just grounds and establish his rights.

He is not one of these men or corporations that have made something out of a war contract. On the other hand, he did not receive a single dollar, but lost every dollar he had in the world on account of this agreement with the agents of the Ordnance Department. He was led into it and was persuaded and was induced by the representatives of the Government to enter into this contract, and now the only reason they have for not paying him is that under a technical construction of the Dent Act the men with whom he was dealing did not have the right to make a contract in writing with him. It is not denied that they had a right to go out and offer these inducements and make these contracts to procure this material that was needed by the Government at that time, but there is simply the one proposition that they did not have the technical right, in writing, to make a contract. All he asks is to permit his claim to be permitted to be heard in equity and in justice, and I beg you to vote against this amendment.

The question was taken; and on a division (demanded by Mr. COCHRAN) there were—ayes 33, noes 54.

So the amendment was rejected.

FLORENCE BYVANK

The Clerk read as follows:

Title V—(H. R. 3694. A bill for the relief of Florence Byvank.)

That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to pay the amount of the insurance under the Government life-insurance policy (no. K720604) of Clarence A. Byvank to Florence Byvank, his widow and designated beneficiary, in accordance with the terms of such policy, beginning with the first calendar month following the month during which this act is

enacted, notwithstanding the lapse of such policy in December 1931. The insured, Clarence A. Byvank, applied for reinstatement of such policy in February 1932 and transmitted payment for back premiums thereon at the time of application, but died suddenly from monoxide-gas poisoning on March 30, 1932, before a report of his medical examination had been filed with the Veterans' Administration.

Mr. COCHRAN. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Strike out title V.

Mr. COCHRAN. Mr. Speaker, I cannot understand why this bill was sent to the War Claims Committee. It is a bill requiring the Veterans' Bureau to pay an insurance policy on a veteran. The bill should have gone to the Committee on Veterans' Legislation. This is paving the way by private bills to reopening cases of veterans of the World War with respect to insurance claims denied by the Veterans' Administration. This is all that I have against it.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. COCHRAN. Yes.

Mr. BIERMANN. This bill was first referred to the World War Veterans' Committee, and that committee said it had no jurisdiction, and it came back here and was re-referred to the Committee on War Claims.

Mr. COCHRAN. Does the gentleman think the War Claims Committee has jurisdiction over veterans' cases?

Mr. BIERMANN. No; I thought the World War Veterans' Committee had jurisdiction, and it is not my fault it was referred to the War Claims Committee.

Mr. COCHRAN. The only point I make, I will say to the gentleman from Iowa, is the one I have just stated, as to the precedent you are setting. I do not say that the bill is not meritorious, but it is paving the way to the bringing in of thousands of claims growing out of insurance policies denied by the Veterans' Administration. Do you want to do that?

Mr. BIERMANN. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I think the Members will agree that the fact this bill was first referred to the World War Veterans' Committee and afterward re-referred to the War Claims Committee, ought to have no bearing on the vote this House is going to take now.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. COCHRAN. I fully agree with the gentleman. It should absolutely have no effect whatever, but I could not imagine how the bill got to the War Claims Committee. I fully agree with the gentleman that the only question is the principle involved.

Mr. BIERMANN. I agree with the gentleman from Missouri.

This bill involves a very simple proposition. A man named Clarence A. Byvank served during the war in this country and served overseas. He became hard up in the latter part of 1931, and, after having paid his insurance premiums for 14 years, he let them lapse because he did not have the money. The rules of the Veterans' Administration provide that within 3 months a veteran may reinstate his policy without physical examination.

Those 3 months were up on March 1, 1932. In February 1932 he sought reinstatement. That is brought out in the report. But he did not send his money to the Veterans' Administration at Des Moines. Why he did not send it I do not know. Whether he thought the letter reinstated him or not, no one knows, as the man is now dead.

He did not get the money in until March 10, 1932, 10 days after the time had elapsed.

The Veterans' Administration kept the premium and notified him that they had kept it and sent him a form for a health statement.

If a private insurance company had done that they would be estopped from denying the claim.

But before the veteran got back the health statement he was in his garage fixing his car. The doors blew shut, monoxide gas filled the garage, and the veteran died on the 30th day of March 1932.

The letter the Veterans' Administration had written him when they kept the premium lulled the veteran into a sense of security.

Mr. TABER. Will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. TABER. What could he have done if he did not send them the money?

Mr. BIERMANN. He could have sent in his health statement.

Mr. TABER. He was behind time and it would not have made any difference.

Mr. BIERMANN. If the health statement had been filled out and he was in proper health he would have been reinstated.

Mr. TABER. Not unless he paid the money.

Mr. BIERMANN. He would have been reinstated, for he had paid the money.

Mr. TABER. Did they make a finding ultimately that he was in a proper state of health?

Mr. BIERMANN. The finding was that he was overweight. The man weighed 325 pounds when he got out of the Army. He weighed the same when he died. When he went into the Army he was far overweight, and no private insurance company would have found him an insurable risk. But the Army took him, and the Government insured him, overweight and all.

The SPEAKER pro tempore (Mr. TAYLOR of Colorado). The time of the gentleman has expired. All time has expired.

The question is on the motion of the gentleman from Missouri to strike out the title.

The question was taken; and on a division (demanded by Mr. TABER) there were 15 ayes and 55 noes.

So the motion was lost.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 37. An act authorizing the Comptroller General of the United States to settle and adjust the claims of subcontractors and materialmen for material and labor furnished in the construction of a post-office and courthouse building at Rutland, Vt.;

S. 1307. An act to establish the Homestead National Monument of America in Gage County, Nebr.;

S. 1453. An act to create a board of shorthand reporting, and for other purposes;

S. 1470. An act to provide a preliminary examination of Spokane River and its tributaries in the State of Idaho with a view to the control of their floods;

S. 3281. An act to amend the act of February 16, 1929, entitled "An act to amend the act entitled 'An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and the Public Health Service', approved June 10, 1922, as amended";

S. 3453. An act limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to certain counsel; and

S. J. Res. 165. Joint resolution directing the Architect of the Capitol to accept a copy of the painting Liev Eiriksson Discovers America.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 443. Joint resolution to amend Public Resolution No. 31 of the Seventy-fourth Congress, first session, approved June 17, 1935, so as to extend its provisions to cover the National Boy Scout Jamboree now scheduled to be held in 1937.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted as follows:

To Mr. EVANS, indefinitely, on account of business.

To Mr. HOBBS, on account of important official business.

To Mr. STEAGALL, indefinitely, on account of illness.

To Mr. TONRY, indefinitely, on account of illness.

To Mr. ZIONCHECK, for 10 days, on account of important business.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT

Mr. COSTELLO. Mr. Speaker, I move that the House do now adjourn.

Mr. BIERMANN. Pending that, what will be the status of this omnibus bill?

The SPEAKER pro tempore. This bill will be the unfinished business the next time this calendar is called.

Mr. BIERMANN. And that will be a month from today?

The SPEAKER pro tempore. Whenever the date is.

The question is on the motion of the gentleman from California that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 18, 1936, at 12 o'clock noon.

COMMITTEE HEARING

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, old House Office Building, Wednesday, March 18, 1936, at 10:30 a. m., on H. R. 11172.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

719. A letter from the Secretary of War, transmitting a draft of a bill to promote the efficiency of the Air Corps Reserve, which the War Department presents for the consideration of Congress with a view to its enactment into law; to the Committee on Military Affairs.

720. A letter from the chairman of the Reconstruction Finance Corporation, transmitting its report covering its operation for the fourth quarter of 1935, and for the period from the organization of the corporation on February 2, 1932, to December 31, 1935, inclusive (H. Doc. No. 426); to the Committee on Banking and Currency and ordered to be printed.

721. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 12, 1936, submitting a report, together with accompanying papers on a preliminary examination of Bayou Rigaud, La., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

722. A letter from the Archivist, transmitting a report submitted by the National Historical Publications Commission; to the Committee on the Library.

723. A letter from the Secretary of the Treasury, transmitting a draft of a bill to amend the act entitled "An act to provide for the construction of certain public buildings and for other purposes" approved May 25, 1926 (44 Stat. 630), as amended January 13, 1928, and March 31, 1930; to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SABATH: Committee on Rules. House Resolution 451. Resolution providing for the consideration of S. 3978; without amendment (Rept. No. 2201). Referred to the House Calendar.

Mr. ROBINSON of Utah: Committee on the Public Lands. House Resolution 10922. A bill to provide for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes; without amendment (Rept. No. 2202). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOLDSBOROUGH: A bill (H. R. 11844) to extend to July 1, 1938, the power of the Federal Deposit Insurance Corporation to make loans, purchases of assets or guaranties to reduce or avert threatened insurance losses; to the Committee on Banking and Currency.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 11845) to provide for the adjustment and settlement of certain claims for damages resulting from the operation of vessels of the Coast Guard and Public Health Service; to the Committee on Claims.

By Mr. PERKINS: A bill (H. R. 11846) to validate certain certificates of naturalization; to the Committee on Immigration and Naturalization.

By Mr. ANDREWS of New York: A bill (H. R. 11847) providing for the payment by the United States of a share of the cost of operation and maintenance of the Erie and Oswego Canals; to the Committee on Rivers and Harbors.

By Mr. KELLER: A bill (H. R. 11848) to authorize retirement annuities for persons who serve as Librarian of Congress for 35 years; to the Committee on the Library.

Also, a bill (H. R. 11849) to amend an act entitled "An act to create a Library of Congress Trust Fund Board, and for other purposes", approved March 3, 1925; to the Committee on the Library.

By Mr. O'LEARY: A bill (H. R. 11850) providing for a preliminary examination of New Creek, Staten Island, N. Y., with a view to control of its floods; to the Committee on Flood Control.

Also, a bill (H. R. 11851) prohibiting the abandonment of vessels on the banks of navigable streams, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. QUINN: A bill (H. R. 11852) to regulate barbers in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 11853) to regulate the practice of professional engineering, creating a Registration Board for Professional Engineers of the District of Columbia, defining its powers and duties, providing penalties, and for other purposes; to the Committee on the District of Columbia.

By Mr. CURLEY: A bill (H. R. 11854) to provide for the erection of a monument to the memory of Gouverneur Morris; to the Committee on the Library.

By Mr. RISK: Resolution (H. Res. 452) authorizing and directing an investigation of all activities and projects of the Federal Emergency Administration of Public Works within and for the State of Rhode Island; to the Committee on Rules.

By Mr. BLOOM: Joint resolution (H. J. Res. 525) to enable the United States Constitution Sesquicentennial Commission to carry out and give effect to certain approved plans, and for other purposes; to the Committee on the Library.

By Mr. KELLER: Joint resolution (H. J. Res. 526) to authorize the Librarian of Congress to accept the property devised and bequeathed to the United States of America by the last will and testament of Joseph Pennell, deceased; to the Committee on the Library.

By Mr. O'LEARY: Joint resolution (H. J. Res. 527) to make the facilities of the United States Marine Hospital at Stapleton, N. Y., available for World War veterans in Richmond County, N. Y.; to the Committee on Merchant Marine and Fisheries.

By Mr. MARCANTONIO: Joint resolution (H. J. Res. 528) proposing an amendment to the Constitution of the United States prohibiting war; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GAVAGAN (by request): A bill (H. R. 11855) for the relief of Jona Sheftel Bloch; to the Committee on Immigration and Naturalization.

By Mr. GREENWOOD: A bill (H. R. 11856) granting a pension to Gertrude Gardner; to the Committee on Invalid Pensions.

By Mr. KNUTE HILL: A bill (H. R. 11857) granting a pension to Emma Zetta Bowden; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 11858) granting an increase of pension to Wren Torgerson; to the Committee on Pensions.

Also, a bill (H. R. 11859) for the relief of Lavina Karns; to the Committee on Claims.

By Mr. KENNEDY of Maryland (by request): A bill (H. R. 11860) to provide an additional sum for the reimbursement of certain officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931; to the Committee on Claims.

Also, a bill (H. R. 11861) for the relief of Cleveland L. Short; to the Committee on Claims.

Also (by request), a bill (H. R. 11862) for the relief of Homer Brett, American consul at Rotterdam, Netherlands; to the Committee on Claims.

Also (by request), a bill (H. R. 11863) for the relief of Clark F. Potts and Charles H. Barker; to the Committee on Claims.

Also (by request), a bill (H. R. 11864) for the relief of Dexter P. Cooper; to the Committee on Claims.

Also (by request), a bill (H. R. 11865) for the relief of the Alaska Commercial Co.; to the Committee on Claims.

Also (by request), a bill (H. R. 11866) for the relief of Harry L. Parker; to the Committee on Claims.

Also (by request), a bill (H. R. 11867) for the relief of Michael E. Sullivan; to the Committee on Claims.

Also (by request), a bill (H. R. 11868) for the relief of Brook House, Ltd., of Sidney, Australia; to the Committee on Claims.

Also (by request), a bill (H. R. 11869) for the relief of William L. Jenkins; to the Committee on Claims.

Also (by request), a bill (H. R. 11870) for the relief of the Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, La.; to the Committee on Claims.

By Mr. KNUTSON (by request): A bill (H. R. 11871) to confer jurisdiction on the Court of Claims to hear and determine certain suits against the United States for damages sustained by the owners of certain sailing vessels; to the Committee on War Claims.

By Mr. LARRABEE: A bill (H. R. 11872) granting a pension to John G. Heck; to the Committee on Pensions.

Also, a bill (H. R. 11873) granting an increase of pension to Nora A. Kitchen; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 11874) granting an increase of pension to Elizabeth A. Richenberg; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11875) granting an increase of pension to Sarah M. Flowers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11876) granting an increase of pension to Mary A. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11877) granting an increase of pension to Margaret A. Hannon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11878) granting an increase of pension to Tracy Huffman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11879) granting an increase of pension to Anna R. Mongan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11880) granting a pension to Elizabeth Jane Barnhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11881) granting an increase of pension to Barbara Wiley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11882) granting a pension to Mazie Layman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11883) granting a pension to Georgana Layman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11884) granting a pension to Walter Clice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11885) granting a pension to Sarah E. Stephens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11886) granting an increase of pension to Annie E. Santman; to the Committee on Invalid Pensions.

By Mr. LEWIS of Colorado: A bill (H. R. 11887) granting a pension to Elizabeth L. Lloyd; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 11888) for the relief of Albert Ginsburg; to the Committee on Naval Affairs.

Also, a bill (H. R. 11889) for the relief of Daniel R. Brown; to the Committee on Naval Affairs.

By Mr. MEAD: A bill (H. R. 11890) for the relief of Walter J. Dunn; to the Committee on Naval Affairs.

By Mr. PALMISANO: A bill (H. R. 11891) for the relief of John Logan Hilliard; to the Committee on Naval Affairs.

By Mr. RABAUT: A bill (H. R. 11892) for the relief of Ida M. Santini; to the Committee on Claims.

By Mr. UMSTEAD: A bill (H. R. 11893) for the relief of James W. Grist; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10546. By Mr. JOHNSON of Texas: Petition of M. H. Edmondson, vice president, Highway 34 Association of Greenville, Tex., favoring the Hayden-Cartwright proposal for expenditure of additional Federal funds for highways; to the Committee on Roads.

10547. Also, petition of Col. J. K. Hughes, president, J. K. Hughes Oil Co., and E. L. Smith, president, E. L. Smith Oil Co., both of Mexia, Tex., favoring the Disney import bill; to the Committee on Ways and Means.

10548. By Mr. KEE: Petition signed by 21 patrons of star route 16623, from Lindside to Greenville, W. Va., urging the enactment of legislation at this session which will extend existing star-route contracts and increase the compensation thereon to an equal basis with that paid for other forms of mail transportation; to the Committee on the Post Office and Post Roads.

10549. By Mr. MAVERICK: Several petitions containing approximately 300 names of the citizens of San Antonio, or Twentieth District of Texas, favoring the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10550. By Mr. PFEIFER: Petition of the New York Board of Trade, Inc., New York City, concerning postal rates charged within the greater city of New York; to the Committee on the Post Office and Post Roads.

10551. Also, petition of the New York State Motor Truck Association, Inc., New York, concerning the Pettengill bill (H. R. 3263); to the Committee on Interstate and Foreign Commerce.

10552. By Mr. RISK: Resolution of Glad Hand Class of Haven Church of the town of East Providence, R. I., requesting the House of Representatives of the United States of America to provide early hearings on motion-picture bills now in Congress and to provide adequate legal regulation for this industry and favoring the adoption of House bill 2999; to the Committee on Interstate and Foreign Commerce.

10553. Also, resolution of the Philathea Society of the Second Baptist Church of the town of East Providence, R. I., requesting the House of Representatives of the United States of America to provide early hearings on motion-picture bills now in Congress and to provide adequate legal regulation for this industry and favoring the adoption of House bill 2999; to the Committee on Interstate and Foreign Commerce.

10554. By Mr. TAYLOR of Colorado: Petitions from parents' and teachers' associations of Mesa County, Colo., urging legislation to establish freedom in the choice of films by abolishing block booking and blind selling of motion pictures; to the Committee on Interstate and Foreign Commerce.

10555. By Mr. THOMAS: Petition of various citizens of Glens Falls, asking passage of Guyer bill (H. R. 8739); to the Committee on the District of Columbia.